

AMERICAN RAILROAD JOURNAL.

STEAM NAVIGATION, COMMERCE, MINING, MANUFACTURES.

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ESTABLISHED IN 1831.

PUBLISHED WEEKLY BY J. H. SCHULTZ & CO., AT NO. 9 SPRUCE ST., NEW-YORK, AT FIVE DOLLARS PER ANNUM IN ADVANCE.

SECOND QUARTO SERIES, VOL. X., No. 41.]

SATURDAY, OCTOBER 14, 1854.

[WHOLE No. 965, VOL. XXVII.

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American Railroad Journal.

PUBLISHED BY J. H. SCHULTZ & CO., No. 9 SPRUCE ST.

New York, Saturday, October 14, 1854.

General Railroad Law of New York.

We give this week, entire, a copy of the *General Railroad Law of New York*. It will show, particularly to foreigners, the character and tendency of legislation in the United States; which are, to provide by general enactments for particular cases. The advantages gained are, 1st: impartial laws, the benefits of which may be secured without delay or expense; 2nd: a more healthy development of the particular interest to which such general laws apply. Experience has fully proved that where railroad charters are granted by a special act, or law, the parties obtaining them soon come to regard themselves as possessing some special privilege, entitled to protection; and they naturally oppose the granting the similar privileges to others. Cases are not wanting to show that those possessing such special privileges, often become sufficiently powerful to control the legislation of a State, and deny the same to others simply on the alleged ground that what they possess, are vested rights, not to be interfered with. In this way great injustice is often done. Our people are rapidly coming on to more liberal ground, and it is fast becoming their conviction,

that every individual interest or pursuit, should be thrown entirely open to competition, on the ground that the instinct of self-interest is a much better judge of the expediency of any project than the opinion of a body of legislators, without such interest to sharpen their judgments, without a knowledge of the facts of the case, and most probably, without intelligence as to the matter acted upon. It would be considered as very absurd should government attempt to prescribe the model of ships, the number requisite to meet the wants of the country, or the parties who should have the privilege of constructing them. It is equally absurd for government to assume to designate the number of railroads that are to be built, the direction they are to take, or the parties who are to have the right of building them. Leave the public free to act upon its own judgment, and the probability is that railroads will be built only upon such routes as will pay. When parties undertaking their construction know that other parties have an equal right to build one within hail of their own; or one to accommodate the same business, they will take good care, by adopting the best route, or building and managing their road in the best manner, to leave no ground or apology for constructing a rival. Where, on the other hand, no road can be built save under a special charter, the parties obtaining such right, feel, and will act upon the conviction that they possess vested rights, which will not be allowed to be interfered with; and will be very likely to adopt a line to suit the interest or caprice of an influential party, and be lavish of expenditure under an idea that the privileges they possess will compensate for any loss that may be suffered. This conviction naturally begets an indifference as to the management or cost of the road; such a route may be taken, and such a work built, that the public interest may call for a new one. An application to construct such, though at first, perhaps, successfully resisted, is always certain to be successful; for justice and common sense is always in the end, more than a match for partiality and stupidity; and the result is two roads where only one would have been constructed, had the field been entirely open for competition. In this view, sanctioned by experience, we regard general railroad laws as the most effective mode of secur-

ing the best route, and of the construction of roads at the lowest cost; and consequently, precluding the necessity or apology for competing lines. We do not believe that shipbuilding would become a profitable business, should government assume to decide who should build ships, the courses upon which they should sail, or the cargoes they should carry. We think, if the matter should be carefully looked into, it would be seen that where the construction of railroads has been pushed to excess either in this country or Europe, it has been in those States apparently the most scrupulous about giving charters. When one is granted, and another is withheld, it is felt that a great wrong has been done, and the strongest motive to the construction of a road comes to be, not the money that is to be made, but to vindicate a principle. The aggrieved parties enter the contest with a tenfold zeal, corresponding to the wrong done them, and which is certain in the end to triumph over all obstacles. We are much mistaken, if the reasons we have stated have not had a great deal to do, with the over-construction of railroads in England. We believe if the people of that country had been as free to build railroads as to embark in any other lawful calling, they would have gone about the matter, slowly and deliberately, and the progress of these works would have waited upon the wants of the country, and that Englishmen would never have so far forgotten their natural caution, as to have sacrificed the immense sums wasted upon their railroads.

We think the safer way is for legislatures to give the people entire freedom of action in all such matters. They may run to excess in the outset, but the capacity for the proper use of liberty can only come from the practice of it.

As the organization and operations of our Railroads, are controlled by the *General Railroad Law* of the State, we copy the same entire into our columns for reference, as well as for an example to other States.

§ 1. Any number of persons not less than twenty-five, may form a company for the purpose of constructing, maintaining and operating a railroad for public use in the conveyance of persons and property, or for the maintaining and operating any unincorporated railway already constructed, for the like public use; and for that purpose may make and sign articles of association, in which shall be

stated the name of the company; the number of years the same is to continue; the places from and to which the road is to be constructed, or maintained and operated; the length of such road as near as may be, and the name of each county in this State, through or into which it is made, or intended to be made; the amount of capital stock of the company, which shall not be less than ten thousand dollars for every mile of road constructed, or proposed to be constructed, and the number of shares of which said capital shall consist, and the names and places of residence of thirteen directors of the company, who shall manage its affairs for the first year, and until others are chosen in their places. Each subscriber to such articles of association shall subscribe thereto his name, place of residence, and the number of shares of stock he agrees to take in said company. On compliance with the provisions of the next section such articles of association may be filed in the office of the Secretary of State, who shall endorse thereon the day they are filed, and record the same in a book to be provided by him for that purpose; and thereupon the persons who have so subscribed such articles of association, and all persons who shall become stockholders in such company, shall be a corporation by the name specified in such articles of association, and shall possess the powers and privileges granted to the corporations, and be subject to the provisions contained in title three of chapter eighteen of the first part of the Revised Statutes, except the provisions contained in the seventh section of the said title.

§ 2.—Such articles of association shall not be filed and recorded in the office of the Secretary of State, until at least one thousand dollars of stock for every mile of railroad proposed to be made is subscribed thereto, and ten per cent. paid thereon in good faith, and in cash, to the Directors named in said articles of association; nor until there is endorsed thereon, or annexed thereto, an affidavit made by at least three of the Directors named in said articles, that the amount of stock required by this section has been in good faith subscribed, and ten per cent. paid in cash thereon as aforesaid, and that it is intended in good faith to construct or to maintain and operate the road mentioned in such articles of association; which affidavit shall be recorded with the articles of association as aforesaid.

§ 3.—A copy of any articles of association filed and recorded in pursuance with this act, or of the record thereof, with a copy of the affidavit aforesaid endorsed thereon or annexed thereto, and certified to be a copy by the Secretary of this State, or his deputy, shall be presumptive evidence of the incorporation of such company, and of the facts therein stated.

§ 4.—When such articles of association and affidavit are filed and recorded in the office of the Secretary of State, the Directors named in said articles of association may, in case the whole capital stock is not before subscribed, open books of subscription to fill up the capital stock of the company, in such places and after giving such notice as they may deem expedient, and may continue to receive subscriptions until the whole capital stock is subscribed. At the time of subscribing, every subscriber shall pay to the Directors ten per cent. on the amount subscribed by him, in money; and no subscription shall be received or taken without such payment.

§ 5.—There shall be a Board of thirteen Directors of every corporation formed under this act, to manage its affairs. Said Directors shall be chosen annually, by a majority of the votes of the stockholders voting at such election, in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be Directors until others are elected in their places. In the election of the Directors, each stockholder shall be entitled to one vote for each share of stock held by him. Vacancies in the Board of Directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation. Every corporation formed under this act, shall be subject to the regulations con-

cerning the election of Directors of moneyed corporations, contained in article second of the second title of the eighteenth chapter of the first part of the Revised Statutes. The inspectors of the first elections of Directors shall be appointed by the Board of Directors named in the articles of association. No person shall be a Director, unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for Directors at the election at which he shall be chosen. At every election of Directors, the books and papers of such company shall be exhibited to the meeting, provided a majority of the stockholders present shall require it.

§ 6.—The Directors shall appoint one of their number President; they may also appoint a Treasurer and Secretary, and such other officers and agents as shall be prescribed by the by-laws.

§ 7.—The Directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed, in such manner and in such instalments as they may deem proper. If any stockholder shall neglect to pay any instalment as required by a resolution of the Board of Directors, the said Board shall be authorized to declare his stock, and all previous payments thereon, forfeited for the use of the company; but they shall not declare it so forfeited, until they shall have caused a notice in writing to be served on him personally, or by depositing the same in the Post Office, properly directed to him at the Post Office nearest his usual place of residence, stating that he is required to make such payment at the time and place specified in said notice; and that if he fails to make the same, his stock, and all previous payments thereon, will be forfeited for the use of the company; which notice shall be served as aforesaid, at least sixty days previous to the day on which such payment is required to be made.

§ 8.—The stock of every company under this act shall be deemed personal estate, and shall be transferrable in the manner prescribed by the by-laws of the company, but no shares shall be transferrable until all previous calls thereon shall have been fully paid in; and it shall not be lawful for such company to use any of its funds in the purchase of any stock in its own, or in any other corporation.

§ 9.—In case the capital stock of any company formed under this act, is found to be insufficient for constructing and operating its road, such company may, with the concurrence of two-thirds in amount of all the stockholders of the company, at a meeting of such stockholders, called by the Directors of the company for that purpose, by a notice in writing to each stockholder to be served on him personally, or by depositing the same, properly folded and directed to him, at the Post Office, nearest his usual place of residence, at least twenty days prior to such meeting. Such notice must state the time and place of the meeting, and its object, and the amount to which it is proposed to increase the capital stock. The proceedings of such meeting must be entered on the minutes of the proceedings of the company, and thereupon the capital stock of the company may be increased to the amount sanctioned by a vote of two-thirds in amount of all the stockholders of the company as aforesaid.

§ 10.—Each stockholder of any company formed under this act, shall be individually liable to the creditor of such company, to an amount equal to the amount unpaid on the stock held by him, for all the debts and liabilities of such company, until the amount of capital stock so held by him shall have been paid to the company; and all the stockholders of every such company shall be jointly and severally liable for all the debts due or owing to any of its laborers and servants, for services performed for such corporation; but shall not be liable to an action therefor, before an execution shall be returned unsatisfied in whole, or in part, against the corporation; and then the amount due on such execution shall be the amount recoverable, with costs against such stockholders.

§ 11.—No person holding stock in any such

company, as executor, administrator, guardian, or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholders of such company; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estates and funds in the hands of such executor, administrator, guardian, or trustee, shall be liable in like manner and to the same extent as the testator, or intestate, or the ward or person interested in such trust fund would have been, if he had been living and competent to act, and held the stock in his own name.

§ 12.—As often as any contractor for the construction of any part of a railroad, which is in progress of construction, shall be indebted to any laborer, for thirty or any less number of days' labor performed in constructing said road, such laborer may give notice of such indebtedness to said company in the manner herein provided; and said company shall thereupon become liable to pay such laborer the amount so due to him for such labor, and an action may be maintained against said company therefor. Such notice shall be given by said laborer to said company, within twenty days after the performance of the number of days' labor for which the claim is made, and the name of the contractor from whom due, and shall be signed by such laborer, or his attorney; and shall be served on an engineer, agent, or superintendent employed by said company, having charge of the section of the road on which such labor was performed, personally, or by leaving the same at the usual place of business of such engineer, agent, or superintendent, with some person of suitable age. But no action shall be maintained against any company under the provisions of this section, unless the same is commenced within thirty days after notice is given to the company by such laborer as above provided.

§ 13.—In case any company formed under this act is unable to agree for the purchase of any real estate required for the purposes of its incorporation, it shall have the right to acquire title to the same, in the manner and by the special proceedings prescribed in this act.

§ 14.—For the purpose of acquiring such title, the said company may present a petition, praying for the appointment of commissioners of appraisal, to the Supreme Court, at any special term thereof held in the district in which the real estate described in the petition is situated. Such petition shall be signed and verified according to the rules and practice of such court. It must contain a description of the real estate which the company seek to acquire; and it must in effect state that the company is duly incorporated, and that it is the intention of the company, in good faith, to construct a railroad from and to places named for that purpose in its articles of association; that the whole capital stock of the company has been in good faith subscribed as required by this act; that the company has surveyed the line or route of its proposed road, and made a map or survey thereof, by which such route or line is designated, and that they have located their said road according to such survey, and filed certificates of such location, signed by a majority of the Directors of the company, in the clerks' office of the several counties through or into which the said road is to be constructed; and that the land described in the petition is required for the purpose of constructing or operating the proposed road; and that the company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as same can by reasonable diligence be ascertained, who own or have, or claim to own or have estates or interests in the said real estate remaining; and if any such persons are infants, their ages as near as may be, must be stated; and if any such persons are idiots, or persons of unsound mind; or are unknown, that fact must be stated, together with such allegations and statements of liens or incumbrances on said real estate as the company may see fit to make. A copy

of such petition, with a notice of the time and place the same will be presented to the Supreme Court, be served on all persons whose interests are to be affected by the proceedings, at least ten days prior to the presentation of the same to the said court.

1.—If the person on whom such service is to be made, resides in this State, and is not an infant, idiot, or person of unsound mind, service of a copy of such petition and notice must be made on him or his agent or attorney, authorized to contract for the sale of the real estate described in the petition, personally, or by leaving the same at the usual place of residence of the person on whom service must be made as aforesaid, with some person of suitable age.

2.—If the person on whom such service is to be made resides out of the State, and has an agent residing in this State, authorized to contract for the sale of the real estate described in the petition, such service may be made on such agent, or on such person personally out of the State; or it may be made by publishing the notice, stating briefly the object of the application, and giving a description of the land to be taken, in the State Paper, and in a paper printed in the county in which the land to be taken is situated, once in each week for one month next previous to the presentation of the petition. And if the residence of such person residing out of this State, but in any of the United States, or any of the British colonies of North America, is known, or can by reasonable diligence be ascertained, the company must, in addition to such publication as aforesaid, deposit a copy of the petition and notice in the Post Office, properly folded and directed to such person at the Post Office nearest his place of residence, at least thirty days before presenting such petition to the court, and pay the postage chargeable thereon in the United States.

3.—If any person on whom such service is to be made is under the age of twenty-one years, and resides in this State, such service shall be made as aforesaid, on his general guardian; or if he has no such guardian, then on such infant personally, if he is over the age of fourteen years; and if under that age, then on the person who as the care of, or with whom such infant resides.

4.—If the person on whom such service is to be made is an idiot, or of unsound mind, and resides in this State, such service may be made on the committee of his person or estate; or if he has no such committee, then on the person who has the care and charge of such idiot, or person of unsound mind.

5.—If the person on whom such service is to be made is unknown, or his residence is unknown, and can not by reasonable diligence be ascertained, then such service may be made, under the direction of the court, by publishing a notice, stating the time and place the petition will be presented, the object thereof, with a description of the land to be affected by the proceedings, in the State Paper, and in the paper printed in the county where the land is situated, once in each week for one month previous to the presentation of such petition.

6.—In case any party to be affected by the proceedings is an infant, idiot, or of unsound mind, and has no general guardian or committee, the court shall appoint a special guardian or committee to attend to the interests of such person in the proceedings; but if a general guardian or committee has been appointed for such person in this State, it shall be the duty of such general guardian or committee to attend to the interests of such infant, idiot, or person of unsound mind; and the court may require such security to be given by such general or special guardian or committee as it may deem necessary to protect the rights of such infant, idiot, or person of unsound mind; and all notices required to be served in the progress of the proceedings, may be served on such general or special guardian or committee.

7.—In all cases not herein otherwise provided for, service of orders, notices, and papers in the

special proceedings authorized by this act, may be made as the Supreme Court shall direct.

§ 15.—On presenting such petition to the Supreme Court as aforesaid, with proof of service of a copy thereof and notice as aforesaid, all persons whose estates or interests are to be affected by the proceedings, may show cause against granting the prayer of the petition, and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of five disinterested and competent persons who reside in the county where the premises are situated, commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken in such county for the purposes of the company, and to fix the time and place for the first meeting of such commissioners. The parties whose lands are to be appraised, or their attorneys, may, in case they appear, name six such persons, and the company a like number, provided they do so, and the court shall appoint two of the commissioners from each of the six so named, in case there is no legal objection to such appointment, and the other commissioner shall be appointed by the court in its discretion.

§ 16.—The commissioners shall take and subscribe the oath prescribed by the twelfth article of the constitution. Any one of them may issue subpoenas, administer oaths to witnesses, and any three of them may adjourn the proceedings before them from time to time, in their discretion.—Whenever they meet, except by the appointment of the court or pursuant to adjournment, they shall cause reasonable notice of such meetings to be given to the parties who are to be affected by their proceedings, or their attorney or agent.—They shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in each case, and without any unnecessary delay, and before proceeding to the examination of any other claim, a majority of them, all being present and acting, shall ascertain and determine the compensation, which ought justly to be made by the company to the party or parties owning or interested in the real estate appraised by them; and in determining the amount of such compensation, they shall not make an allowance or deduction on account of any real or supposed benefits which the parties may derive from the construction of the proposed railroad. They, or a majority of them, shall also determine and certify what sum ought to be paid to a general or special guardian or committee of an infant, idiot, or person of unsound mind, or to an attorney appointed by the court to attend the interest of any unknown owner or party in interest, not personally served with notice of the proceedings, and who has not appeared, for costs, expenses, and counsel fees.—They shall make a report to the Supreme Court, signed by them, or a majority of them, of the proceedings before them, with the minutes of the testimony taken by them, if any. Said commissioners shall be entitled to three dollars for their expenses and services for each day they are engaged in the performance of their duties, to be paid by the company.

§ 17.—On such report being made by said commissioners, the company shall give notice to the parties or their attorneys to be affected by the proceedings, according to the rules and practice of said court, at a general or special term thereof, for the confirmation of such report: and the court shall thereupon confirm such report, and shall make an order, containing a recital of the substance of the proceedings in the matter of the appraisal, and the description of the real estate appraised for which compensation is to be made; and shall also direct to whom the money is to be paid, or in what bank, and in what manner it shall be deposited by the company.

§ 18.—A certified copy of the order so to be made, as aforesaid, shall be recorded at full length

in the clerk's office of the county in which the land described in it is situated; and thereupon, and on the payment or deposit by the company of the sums to be paid as compensation for the land, and for costs, expenses, and counsel fees as aforesaid, and as directed by said order, the company shall be entitled to enter upon, take possession of, and use the said land for the purpose of its incorporation, during the continuance of its corporate existence, by virtue of this or any other act; and all persons who have been made parties to the proceedings shall be divested and barred of all right, estate, and interest in such real estate, during the corporate existence of the company as aforesaid. All real estate required by any company under and pursuant to the provisions of this act, for the purposes of its incorporation shall be deemed to be acquired for public use. Within twenty days after the confirmation of the report of the commissioners, as provided for in the seventeenth section of this act, either party may appeal, by notice in writing to the other, to the Supreme Court, from the appraisal and report of the commissioners. Such appeal shall be heard by the Supreme Court, at any general or special term thereof, on such notice thereof given, according to the rules and practice of said court. On the hearing of such appeal, the court may direct a new appraisal before the same or new commissioners in its discretion: the second report shall be final and conclusive on all the parties interested. If the amount of the compensation to be made by the company is increased by the second report, the difference shall be a lien on the land appraised, and shall be paid by the company to the parties entitled to the same, or shall be deposited in the bank, as the court shall direct; and if the amount is diminished, the difference shall be refunded to the company by the party to whom the same may have been paid; and judgment therefor may be rendered by the court, on the filing of the second report against the party liable to pay the same. Such appeal shall not affect the possession by such company of the land appraised; and when the same is made by others than the company, it shall not be heard, except on a stipulation of the party appealing, not to disturb such possession.

§ 19.—If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid into the said court by the company, and may determine who is entitled to the same, and direct to whom the same shall be paid; and may, in its discretion, order a reference to ascertain the facts on which such determination and order are to be made.

§ 20.—The court shall appoint some competent attorney to appear for, and protect the rights of any party in interest, who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent. The court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary; or to cause new parties to be added, and to direct such further notices to be given, to any party in interest, as it deems proper; and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

§ 21.—If, at any time after an attempt to acquire title by appraisal of damages or otherwise, it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect such a title in the same manner as if no appraisal had not been made; and at any stage of such new proceedings, the court may authorize the corporation, if in possession, to continue in possession, to take possession, and use such real estate during the pendency, and until the final conclusion of such new proceedings; and may stay all actions or proceedings against the company on account thereof, on such company paying into court a sufficient sum, or giving security as the court may direct, to pay the compensation therefor when finally ascertained; and

in every such case, the party interested in such real estate may conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same.

§ 22.—Every company formed under this act, before constructing any part of their road into or through any county named in their articles of association, shall make a map and profile of the route intended to be adopted by such company in such county, which shall be certified by the President and Engineer of the company, or a majority of the Directors, and filed in the office of the clerk of the county in which the road is to be made.—The company shall give written notice to all actual occupants of the land over which the route of the road is so designated, and which has not been purchased by or given to the company, of the route so designated. Any party feeling aggrieved by the proposed location, may, within fifteen days after receiving written notice as aforesaid, apply to a justice of the Supreme Court, out of court by petition, duly verified setting forth his objections to the route designated, and the said justice may, if he considers sufficient cause therefor to exist, appoint three disinterested persons, one of whom must be a practical engineer, commissioners to examine the proposed route, and after hearing the parties, to affirm or alter the same, as may be consistent with the just rights of all parties and the public; but no alteration of the route shall be made, except by the concurrence of the commissioner who is a practical civil engineer. The determination of the commissioners shall, within thirty days after their appointment, be made and certified by them, and the certificate filed in the office of the county clerk. Said commissioners shall each be entitled to three dollars per day for their expenses and services, to be paid by the person who applied for their appointment; and if the proposed route of the road is altered or changed by the commissioners, the company shall refund the amount so paid.

§ 23.—The Directors of every company formed under this act may, by a vote of two-thirds of their whole number, at any time alter or change the route or any part of the route of their road, if it shall appear to them that the line can be improved thereby; and they shall make and file in the clerk's office of the proper county, a survey, map and certificate of such alteration or change; and shall have the same right and power to acquire title to any lands required for the purposes of the company, in such altered or changed route, as if the road had been located there in the first instance; and no such alteration shall be made in any city or village, after the road shall have been constructed, unless the same is sanctioned by a vote of two-thirds of the common council of said city or trustees of said village, and in case of any alteration made in the route of any railroad, after the company has commenced grading, compensation shall be made to all persons for injury so done to any lands that may have been donated to the company. All the provisions of this act relative to the first location, and to acquiring title to land, shall apply to every such new or altered portion of the route.

§ 24.—Whenever the track of a railroad constructed by a company formed under this act shall cross a railroad, a highway, turnpike, or plank road, such highway, turnpike, or plank road may be carried under or over the track, as may be found most expedient; and in cases where an embankment or cutting shall make a change in the line of such highway, turnpike, or plank road desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road, highway, turnpike, or plank road on such new line as may be deemed requisite by the Directors. Unless the lands so taken shall be purchased for the purposes aforesaid, compensation therefor shall be ascertained in the manner prescribed in this act for acquiring title to real estate, and duly made by said corporation to the owners and persons interested in such lands. The same when so taken, shall become part of such intersecting

highway, turnpike, or plank road, in such manner and by such tenure as the adjacent parts of the same highway, turnpike, or plank road, may be held for highway purposes.

§ 25.—The commissioners of the land office shall have power to grant to any railroad company formed under this act, any land belonging to the people of this State, which may be required for the purposes of their road, on such terms as may be agreed on by them; or such company may acquire title thereto by appraisal, as in the case of lands owned by individuals; and if any land belonging to a county or town is required by any company for the purposes of the road, the county or town officers having the charge of such land may grant such land to such company, for such compensation as may be agreed upon.

§ 26.—In case any title or interest in real estate required by any company formed under this act, for the purpose of its incorporation, shall be vested in any Trustee not authorized to sell, release, and convey the same, or in any infant, idiot, or person of unsound mind, the Supreme Court shall have power, by a summary proceeding on petition, to authorize and empower such Trustee, or the general guardian or committee of such infant, idiot, or person of unsound mind, to sell and convey the same to such company, for the purposes of its incorporation, on such terms as may be just; and in case any such infant, idiot, or person of unsound mind, has no general guardian or committee, the said court may appoint a special guardian or committee for the purpose of making such sale, release, or conveyance, and may require such security from such general or special guardian or committee as said court may deem proper. But before any conveyance or release authorized by this section shall be executed, the terms on which the same is to be executed shall be reported to the court, on oath; and if the court is satisfied that such terms are just to the party interested in such real estate, the court shall confirm the report, and direct the proper conveyance or release to be executed, which shall have the same effect as if executed by an owner of said land, having legal power to sell and convey the same.

§ 27.—No company formed under this act shall lay down or use in the construction of their road, any iron rail of less weight than fifty-six pounds to the lineal yard, except for turnouts, sidings, and switches.—

§ 28.—Every corporation formed under this act, shall in addition to the powers conferred on corporations in the third title of the eighteenth chapter of first part of the Revised Statutes have power.

1.—To cause such examination and surveys for its proposed railroad to be made, as may be necessary to selection of the most advantageous route; and for such purpose, by its officers or agents and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damages which shall be done thereto.

2.—To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of its railroad; but the real estate received by voluntary grant shall be held and used for the purposes of such grant only.

3.—To purchase, hold and use, all such real estate and other property as may be necessary for the construction and maintenance of its railroad, and the stations and other accommodations necessary to accomplish the objects of its incorporation: but nothing herein contained shall be held as repealing, or in any way affecting the act entitled "An act authorizing the construction of railroads upon Indian lands," passed May 12, 1836.

4.—To lay out its road not exceeding six rods in width, and to construct the same; and for the purposes of cuttings and embankments, to take as much more land as may be necessary for the proper construction and security of the road, and to cut down any standing trees that may be in danger of falling on the road, making compensa-

tion therefor as provided in this act for lands taken for the use of the company.

5.—To construct their road across, along, or upon any stream of water, water-course, street, highway, plank-road, turnpike, or canal, which the route of its road shall intersect or touch; but the company shall restore the stream or water-course, street, highway, plank road and turnpike thus intersected or touched, to its former state, or to such state as not unnecessarily to have impaired its usefulness. Every company formed under this act, shall be subject to the power vested in the canal commissioners by the seventeenth section of chapter two hundred and seventy six of the session laws of 1834. Nothing in this act contained shall be construed to authorise the erection of any bridge, or any other obstructions across, in or over any stream or lake navigated by steam or sail boats, at the place where any bridge or other obstructions may be proposed to be placed; nor to authorise the construction of any railroad not already located in, upon or across any streets in any city, without the assent of the corporation of such city.

6.—To cross, intersect, join and unite its railroad with any other railroad before constructed, at any point on its route, and upon the grounds of such other railroad company, with the necessary turnouts, sidings and switches, and other conveniences in furtherance of the objects of its connections. And every company whose railroad is or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined by commissioners to be appointed by the court as if provided in this act in respect to acquiring title to real estate.

7.—To take and convey persons and property on their railroad by the power or force of steam or of animals, or by any mechanical power, and to receive compensation therefor.

8.—To erect and maintain all necessary and convenient buildings, stations, fixtures and machinery for the accommodation and use of their passengers, freights and business.

9.—To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor; but such compensation, for any passenger and his ordinary baggage, shall not exceed three cents per mile.

10.—From time to time to borrow such sums of money as may be necessary for completing and finishing or operating their railroad, and to issue and dispose of their bonds for any so borrowed, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the company for the purposes aforesaid; and the directors of the company may confer on any holder of any bond issued for money borrowed as aforesaid, the right to convert the principle due or owing thereon, into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors may see fit to adopt.

§ 29.—Whenever the railroad of any company formed under this act shall run parallel or nearly parallel to any canal of this state, and within thirty miles of such canal, the company owing such railroad shall pay to the canal fund, on all property transported upon its railroad other than the ordinary baggage of passengers, the same tolls upon that portion of the road running parallel to the canal, that would have been payable to the state, if such property other than baggage had been transported on any such canal; and every such company shall make returns, at such times and in such manner as the commissioners of the canal fund shall prescribe, of all the property transported on its railroad, except ordinary baggage of passengers; and the said commissioners are authorised and required to prescribe the manner in which such tolls so payable to the canal

fund by such company, shall be collected and paid, and to enforce the collection and payment thereof, and to make such regulations as they shall deem proper for that purpose; and every such company that shall neglect or refuse to comply with any such regulations, shall forfeit to the people of this State the sum of five hundred dollars for every day it shall so neglect or refuse; and in every case of such forfeiture, it shall be the duty of the attorney general to prosecute such company for the penalty, in the name of the people.

§ 30.—Every conductor, baggage master, engineer, brakeman, or other servant of any railroad corporation employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. No conductor or collector without such badge shall be entitled to demand or receive from any passenger any fare or to exercise any of the powers of his office; and no officer or servant, without such badge, shall have authority to meddle or interfere with any passenger, his baggage or property.

§ 31.—Every Railroad corporation formed under this act, shall make an annual report to the state engineer and surveyor of the operations of the year ending on the thirtieth day of September; which report shall be verified by the oaths of the treasurer or president, and acting superintendent of operations, and be filed in the office of the state engineer and surveyor by the first day of December in each year, and shall state:

- 1.—The amount of capital as by charter;
- 2.—The amount of stock subscribed;
- 3.—The amount paid in as by last report;
- 4.—The total amount now of capital stock paid in;
- 5.—The funded debt by last report;
- 6.—The total amount now of funded debt;
- 7.—The floating debt as by last report;
- 8.—The amount now of floating debt;
- 9.—The total amount now of funded and floating debt;
- 10.—The average rate per annum of interest on funded debt.

Cost of Road and Equipment.

- 11.—For graduation and masonry by last report;
- 12.—The total amount now expended for the same;
- 13.—The amount for bridges by last report;
- 14.—The total amount now expended for the same;
- 15.—The amount for superstructure, including iron, by last report;
- 16.—Total amount now expended for the same;
- 17.—For passengers and freight stations, building and fixtures, by last report;
- 18.—Total amount now expended for the same;
- 19.—For engine and car houses, machine shops, and machinery and fixtures, by last report;
- 20.—Total amount now expended for the same;
- 21.—For land, land damages and fences, by last report;
- 22.—Total amount now expended for the same;
- 23.—For locomotives and fixtures and snow plows, by last report;
- 24.—Total amount now expended for the same;
- 25.—For passenger and baggage cars, by last report;
- 26.—Total amount now expended for the same;
- 27.—For freight cars, as by last report;
- 28.—Total amount now expended for the same;
- 29.—For engineering and agencies, by last report;
- 30.—Total amount now expended for the same;
- 31.—Total cost of road and equipment.

Characteristics of Road.

- 32.—Length of road;
- 33.—Length of road laid;
- 34.—Length of double track, including sidings;
- 35.—Length of branches owned by the company laid;
- 36.—Length of double track on the same;
- 37.—Weight of rail by yard on main track.
- 38.—The number of engine houses and shops; of engines and cars, and their character.
- 39.—It shall also be the duty of each corporation to transmit to the state engineer and surveyor the following maps, profiles and drawing, exhibiting the characteristics of their roads; the map to show the length and direction of each straight line, and the length and radius of each curve; also the point of crossing of each town and county line, and the length of line in each town and county accurately determined by measurements to be taken after the completion of the road. The profile to be on the map, and shall show the grade line and surface of ground in the usual method, also the elevation of grades above tides at each change in the inclination thereof. The maps and profile to be made on a scale of five hundred feet to one-tenth of a foot: vertical scale of profile to be one hundred feet to one tenth of a foot. For all roads or parts of roads now done, or in operation, the said maps shall be returned on or before the first day of January next; and for all roads now in progress, or which may hereafter be constructed, the said maps and profiles shall be returned within three months after the same or any portion thereof shall be in use.

Doings of the Year in Transportation, and Total Miles Run.

- 40.—Miles run by Passenger Trains;
- 41.—Miles run by Freight Trains;
- 42.—The rate of fare for passengers, charged for the respective classes per mile;
- 43.—Number of Passengers carried in Cars;
- 44.—Number of miles travelled by Passengers;
- 45.—Number of tons of two thousand pounds of freight carried in Cars;
- 46.—Number of miles carried, or total movement of freight in miles; all to be accurately compiled from the daily records or evidences of earnings, manifest and way bills.
- 47.—Average rate of speed adopted by ordinary Passenger Trains, including stops;
- 48.—Average rate of speed adopted by ordinary Passenger Trains, when in motion.
- 49.—Average rate of speed adopted by Express Trains, including stops;
- 50.—Average rate of speed adopted by Express Trains, when in motion.
- 51.—Average rate of speed adopted by Freight Trains, including stops;
- 52.—Average rate of speed adopted by Freight Trains, when in motion.
- 53.—Average weight in tons of two thousand pounds of Passenger Trains, exclusive of Passengers and Baggage;
- 54.—Average weight in tons of Freight Trains, exclusive of Freight.
- 55.—The amount of freight, specifying the quantity in tons, of the products of the forest, of animals, of vegetable food, other agricultural product, manufactures, merchandise, and other articles.

Expenses of Maintaining the Road or Real Estate of the Corporation.

- 56.—For repairs of road-bed, and railway, excepting cost of iron, which shall be the cost of labor and materials used during the year; also use and cost of engines engaged in ballasting; also the renewal and repairs of gravel and stone cars, and all items of cost connected with keeping the road in order.
- 57.—For depreciation of way;
- 58.—Length, in feet, of iron used in renewals, with weight and cost;
- 59.—Repairs of Buildings;
- 60.—Repairs of Fences and Gates;

- 61.—Taxes on Real Estate;
- 62.—Total expenses of maintaining road or real estate for the year;
- 63.—Expenses of machinery or personal property of the corporation;
- 64.—Repairs of Engines and Tenders;
- 65.—Depreciation of Engines and Tenders;
- 66.—Repairs of Passenger and Baggage Cars;
- 67.—Depreciation of Passenger and Baggage Cars;
- 68.—Repairs of Freight Cars;
- 69.—Depreciation of Freight Cars;
- 70.—Repairs of tools and machinery in shops;
- 71.—Incidental expenses, including Fuel, Oil, Clerks, Watchman about shops;
- 72.—Total expenses of repair of machinery;
- 73.—Office expenses, Stationery;
- 74.—Agents and Clerks;
- 75.—Labor handling freight, loading and unloading;
- 76.—Porters, Watch and Switchmen;
- 77.—Wood and Water Station attendance;
- 78.—Conductors, Baggage, and Brakemen;
- 79.—Enginemmen and Firemen;
- 80.—Fuel (first cost, and labor preparing for use);
- 81.—Oil and waste for Engines and Tenders;
- 82.—Oil and waste for Freight Cars;
- 83.—Oil and waste for Passenger and Baggage Cars;
- 84.—Loss and damage of goods and baggage;
- 85.—Damages for injuries of persons;
- 86.—Damages to property, including damages by fire, cattle killed on road;
- 87.—General Superintendence;
- 88.—Contingencies;
- 89.—Total expenses of operating road.
- 90.—The above statements are to be made without reference to the sums actually received or paid during the year. The following statement of the earnings and cash receipts are required:
- 91.—From Passengers;
- 92.—From Freight;
- 93.—From other sources;
- 94.—The above to be stated without reference to the amount actually collected.
- 95.—Receipts during the year from Freight;
- 96.—From Passengers.
- 97.—From other sources, specifying what in detail;
- 98.—Payments for transportation expenses;
- 99.—For interest.
- 100.—Dividends on stock, amount and rate per cent.
- 101.—Payments to surplus fund, and the total amount of said fund;
- 102.—The number of persons injured in life and limb, and the cause of the injury, and whether passengers or persons employed;

Whether any such accidents have arisen from carelessness or negligence of any person in the employment of the corporation, and whether such person is retained in the service of the corporation.

103.—It shall be the duty of the State engineer and surveyor to arrange the information contained in such reports in tabular form, and prepare the same, together with the said reports, in a single document, for printing, for the use of the Legislature, and report the same to the Legislature on the first day of its session in each year.

104.—All the items under the heads of expenses of maintaining the road or real estate of the corporation, expenses of machinery or personal property of the corporation, expenses of use of road and machinery or operating the road, shall be carried out under two heads, the one showing the cost of freight transportation, the other the cost of passenger transportation.

105.—The provisions of this section shall apply to all existing rail-road corporations: and the report of the said existing rail-road corporations, made in pursuance of the provisions of this section, shall be deemed to be a full compliance with any existing law or resolution requiring annual reports to be made by such corporation.

§ 32.—Any such corporation which shall neglect to make the report as is provided in the preceding section, shall be liable to a penalty of two hundred and fifty dollars, to be sued for in the name of the people, for their use.

§ 33.—The Legislature may, when any such railroad shall be opened for use, from time to time, alter or reduce the rate of freight, fare and other profits upon such road; but the same shall not, without the consent of the corporation, be so reduced as to produce with said profits less than ten per cent. per annum on the capital actually expended; nor unless on examination of the amounts received and expended, to be made by the state engineer and surveyor, and the comptroller, they shall ascertain that the net income derived by the company from all sources for the year then last past, shall have exceeded an annual income of ten per cent. upon the capital of the corporation actually expended.

§ 34.—Any such corporations shall, when applied to by the Postmaster General, convey the mails of the mails of the United States on their road or roads respectively; and in case such corporation shall not agree as to the rate of transportation therefor, and as to the time, rate of speed, manner and condition of carrying the same, it shall be lawful for the Governor of this State to appoint three commissioners, who, or a majority of them, after fifteen days' notice in writing of the time and place of meeting to the corporation, shall determine and fix the prices, terms, and conditions aforesaid; but such price shall not be less for carrying said mails in the regular passenger trains, than the amount which such corporation would receive as freight on a like weight of merchandise transported in their merchandise trains, and a fair compensation for the Post Office car.—and in case the Postmaster General shall require the mail to be carried at other hours, or at a higher speed than the passenger trains are run, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses, and wear and tear thereof, and for the service to be fixed as aforesaid.

§ 35.—If any passenger shall refuse to pay his fare it shall be lawful for the Conductor of the train, and servants of the corporation to put him and his baggage out of the cars, using no unnecessary force, at any usual stopping place, or near any dwelling house, as the Conductor shall elect, on stopping the train.

§ 36.—Every such corporation shall start and run their cars for the transportation of passengers and property, at regular times, to be fixed by public notice; and shall furnish sufficient accommodation for the transportation of all such passengers and property, as shall within a reasonable time previous thereto being offered for transportation at the place of starting and the junctions of other railroads, and at usual stopping places established for receiving and discharging way passengers and freights for that train; and shall take transport and discharge such passenger and property at, from, and to such places, on the due payment of the freight or fare legally authorized therefor; and shall be liable to the party aggrieved, in an action for damages, for any neglect or refusal in the premises.

§ 37.—A check shall be affixed to every parcel of baggage, when taken for transportation by the agent or servant of such corporation, if there is a handle, loop, or fixture, so that the same can be attached upon the parcel of baggage so offered for transportation, and a duplicate thereof given to the passenger or person delivering the same on his behalf; and if such check be refused on demand, the corporation shall pay to such passenger the sum of ten dollars, to be recovered in a civil action; and further no fare or toll shall be collected or received from such passenger, and if such passenger shall have paid his fare, the same shall be refunded by the conductor in charge of the train; and on producing such check, if his baggage shall not be delivered to him, he may himself be a witness in any suit brought by him, to prove the contents and value of said baggage.

§ 38.—In forming a passenger train, baggage, freight, merchandize or lumber shall not be placed in rear of the passenger cars, and if they or any of them shall be so placed the officer or agent who so directed, or knowingly suffered such arrangement, and the conductor of the train, shall be deemed guilty of a misdemeanor and be punished accordingly.

§ 39.—A bell shall be placed on each locomotive engine, and be rung at the distance of at least eighty rods from the place where the railroad shall cross any travelled public road or street, and be kept ringing until it shall have crossed such road or street; or a steam whistle shall be attached to each locomotive engine, and be sounded at least eighty rods from the place where the railroad shall cross any such road or street, except in cities, and be sounded at intervals until it shall have crossed such road or street, under a penalty of twenty dollars for every neglect of the provisions of this section, to be paid by the corporation owning the railroad, to be sued for by the district attorney of the county within ten days after such penalty was incurred; one-half thereof go to the informer, and the other half to the county; and said corporation shall also be liable for all damages which shall be sustained by any person by reason of such neglect, one-half of which penalty shall be chargeable to, and collected by the company, of the engineer having charge of the train, where the omission of duty consists in not sounding the whistle or ringing the bell.

§ 40.—Every such corporation shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across each travelled public road or street where the same is crossed by the railroad on the same level. Said boards shall be elevated so as not to obstruct the travel, and to be easily seen by travellers; and on each side of such boards shall be painted in capital letters, of at least the size of nine inches each, the words, "Railroad crossing, look out for the cars." But this section shall not apply to streets in cities or villages, unless the corporation shall be required to put up such boards by the officers having charge of such streets.

§ 41.—If any person shall, while in charge of a locomotive engine running upon the railroad of any such corporation, or while acting as the conductor of a car or train of cars on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor.

§ 42.—If any person or persons shall wilfully do or cause to be done, any act or acts whatever, whereby any building, construction or work of any railroad corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence.

§ 43.—All penalties imposed by this act may be sued for in the name of the people of the State of New York; and if such penalty be for a sum not exceeding one hundred dollars, then such suit may be brought before a justice of the peace, and may be commenced by serving a summons on any director of such company.

§ 44.—Every corporation formed under this act shall erect and maintain fences on the sides of their road, of the height and strength of a division fence required by law, with openings or gates or bars therein, and farm crossings of the road for the use of the proprietors of lands adjoining such railroad; and also construct and maintain cattle-guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on to the railroad. Unless such fences and cattle-guards shall be duly made, the corporation and its agents shall be liable for all damages which shall be done by their agents or engines, to cattle, horses, or other animals thereon; and after such fences and guards shall be duly made and maintained, the corporation shall not be liable for any such damages, unless negligently or wilfully done; and if any

person shall ride, lead, or drive any horse or other animal upon such road, and within such fences and guards, other than at farm crossings, without the consent of the corporation, he shall for every such offence forfeit a sum not exceeding ten dollars, and shall also pay damages which shall be sustained thereby to the party aggrieved. It shall not be lawful for any person, other than those connected with or employed upon the railroad, to walk along the track or tracks of any railroad, except where the same shall be laid along public roads or streets.

§ 45.—Every corporation shall within a reasonable time after their road shall be constructed, cause to be made:

A map and profile thereof, and of the land taken or obtained for the use thereof, and file the same in the office of the state engineer and surveyor; and also like maps of the parts thereof located in different counties, and file the same in the offices for recording deeds, in the counties in which parts of said road shall be. Every such map shall be drawn on a scale, and on paper, to be designated by the state engineer and surveyor, and certified and signed by the president or engineer of such corporation.

§ 46.—In case any passenger on any railroad shall be injured while on the platform of a car, or on any baggage, wood, or freight car, in violation of the printed regulations of the company posted up at the time in a conspicuous place inside of its passenger cars then in the train, such company shall not be liable for the injury; provided, said company at the time furnished room inside its passenger car sufficient for the proper accommodation of the passengers.

§ 47.—If any corporation formed under this act shall not, within two years after its articles of association are filed and recorded in the office of the Secretary of State, begin the construction of its road, and expend thereon ten per cent. on the amount of its capital, or shall not finish the road and put it in operation in five years from the time of filing its articles of association as aforesaid, its corporate existence and powers shall cease.

§ 48.—The Legislature may at any time annul or dissolve any corporation formed under this act; but such dissolution shall not take away or impair any remedy against any such corporation, its stockholders or officers, or any liability which have shall been previously incurred.

§ 49.—All existing railroad corporations within this State shall respectively have and possess all the powers and privileges contained in this act; and they shall be subject to all the duties, liabilities and provisions not inconsistent with the provisions of their charter, contained in section nine, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, (except sub-division nine,) thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, of this act.

§ 50.—The act entitled, "An act to authorize the formation of railroad corporations," passed March 26, 1848, and the acts amending the same are hereby repealed; but all railroad companies formed under said act are hereby continued in existence, in the same manner as if said acts were not repealed, and such companies shall be subject to all the provisions, and shall have the same powers, rights and privileges, and be subject to the same duties, as if they had been incorporated under this act; and the time limited by said act, for the expenditure of ten per cent. of their capital stock; and the time limited in said section of said law for their completion, is hereby extended to five years from the passage of this act; and also the time for completing any railroad organized previous to March 27, 1848, whose road was under contract prior to February 1, 1850, to be completed within the time prescribed by its charter, is hereby extended for one year.

§ 51.—Nothing in this act contained shall authorize or permit the New York and Erie Railroad

Company to abandon the use of their road in the county of Rockland, east of Suffern's depot.
§ 52.—This act shall take effect immediately.

Philadelphia, Wilmington and Baltimore Railroad.

The Philadelphia, Wilmington and Baltimore Railroad Company have omitted their usual August dividend, assigning therefor the following reasons:

"The net earnings of the Philadelphia, Wilmington and Baltimore Railroad Company, for the six months ending August 21, 1854, have been, after deducting the usual appropriation to Renewal Fund, of \$30,000, a little over three per cent. The company have on hand and unsold \$190,000 of bonds, authorized to be issued in January, 1853, for improvements, other than the bridge and double track. These improvements have already been made and paid for, by using from time to time the earnings of the road, and by the creation of a floating debt, which has been conveniently carried at six per cent. interest till the late unparalleled stringency in the money market. This company also has in available means, besides the aforesaid bonds, such as real estate, steamboats, stocks, &c., about \$350,000, which property it was the intention of the Directors to dispose of, from time to time, and apply the proceeds to pay the floating debt and reimburse the Treasury for improvement, but they have not been able to dispose of it without too great a loss. Rather than sacrifice the property by putting it into the market in its present depressed state and thus reimburse the Treasury for the earnings used on improvements, the Directors have concluded to postpone declaring any dividend till January next, when they have no doubt they will be in a condition to pay the usual dividend."

Great Railroad Traffic West.

The passenger business of the Chicago and Galena Railroad for September, will probably show a gain of 50 per cent. over any previous month, and double the business of August. The freight business is also largely increased, and would have been much greater but for the insufficiency of storage for grain in this city. Altogether the receipts will show figures running pretty well up to \$150,000.

The Chicago and Rock Island Road shows a corresponding increase. Notwithstanding the first named road has been finished to Scales' Mound, within twelve miles of Galena, and also that the Chicago and Mississippi Railroad has taken off nearly all the direct travel and freight between this city and Bloomington, Springfield, Alton and St. Louis, the Rock Island Road has about all that it can do. It has been far more successful than its most sanguine friends had predicted. Already it has brought to the city a large part of the trade of Iowa, and when, in another year, it shall cross the Mississippi on a bridge, and penetrate the centre of the young State beyond, its business will be doubled or trebled.

The Chicago and Mississippi Railroad has been finished but a short time, and its business has been increasing rapidly. Its through business is very large, and its way trade must grow very rapidly for many years, as it passes through and opens a section of country that is now thinly inhabited, but which will, within a few years, by reason of the unsurpassed fertility, be an almost uninterrupted garden.

The Illinois and Wisconsin road is increasing its business very much. We learn that enough iron is expected here this week to complete the line to Fox River, and that it will probably be extended to Crystal Lake before winter sets in. Its business will quadruple what it now is, as soon as the track is laid to Fox River, as McHenry County has a much larger surplus of grain to send to market than ever before, and it nearly all seeks this route as its outlet.

The Chicago and Aurora Road has largely increased its business, especially in freights. Its pas-

senger business, when it shall penetrate to the centre of the Military Tract, will be immense.

The Michigan Central and the Michigan Southern Roads are taxed to their full capacity. Scarcely a passenger train makes card time, owing to the immense number of passengers. Each have eight trains of from five to ten cars per day, and all run full. If the business is managed economically, the stockholders will get large dividends.

The Illinois Central Railroad is not in a condition to enable us to judge accurately of its prospects, as it is completed only in sections, and the machinery is much used for construction purposes. On the Chicago Branch, between this city and Urbana, there is a steady increasing business, and prospects are good for a continuance of the same.

—Chicago Tribune.

Rutland Railroad.

The gross earnings of the road since the Trustees had been in possession, November 20th, 1853, to August 31, 1854, were:

Passengers.....	\$143,710 99
Freight.....	143,575 14
Mails.....	10,500 00
Expresses.....	3,558 72
Rents.....	3,727 39
Miscellaneous.....	5,193 63
	\$310,263 87

The Running Expenses were for:

Passenger Department.....	\$20,821 47
Freight Department.....	35,422 71
Fuel and Water.....	44,442 18
Oil.....	6,478 67
Waste.....	1,205 74
Miscellaneous.....	16,762 34
	\$125,133 11

And the repairs were:

Repairs of road.....	\$46,614 82
Rail renewals.....	17,865 72
Repairs of locomotives.....	28,242 16
Repairs of cars.....	26,639 57
Repairs of stations, &c.....	4,642 68
	\$249,138 08
Leaving a balance of.....	\$61,125 84

Milwaukee and Mississippi Railroad.

The gross receipts for the month of September on the M. & M. R. foot up..... \$60,233 24
The total for the eight months preceding was..... 244,294 19

Giving a total for 9 months of..... \$304,527 43

In looking over the figures for the last month, we are able to give some idea of the value of the Janesville branch. If such results are shown by the following figures, come from this branch of 8 miles now, what may not be expected from the pouring in upon the M. & M. Railroad of the vast business to be developed by the extension of that branch; in other words—the Southern Wisconsin Railroad?

The following figures represent the business of 4 months. It should be stated that during the month of August, the Madison business suffered some drawback from the sinking of the track.

Months.	Janesville to Mil.	Milwaukee to J.
June.....	\$4,012 82	\$4,565 77
July.....	2,188 31	4,209 71
August.....	3,117 32	2,804 36
September.....	8,569 07	4,675 30

Total.....\$18,884 52 \$16,255 14

Total Janesville branch—\$35,139 66.

Months.	Madison to Mil.	Milwaukee to M.
June.....	\$3,450 59	\$6,033 45
July.....	603 59	4,731 77
August.....	627 28	3,835 54
September.....	6,662 30	6,985 62

Total....\$11,333 64 \$21,586 38

Total Madison business \$32,920 02.

From the above table it will be seen that the aggregate amount of freight from Janesville to Milwaukee exceeds the aggregate amount from Madison by \$7,550 88; that the aggregate amount received at Madison for freight sent from Milwaukee exceeds that sent to Janesville by \$5,331 24; and the aggregate amount received for freights to and from Janesville exceeds that to and from Madison by \$2,219 64.

The number of tons of merchandize and the No. of bushels of grain to and from Janesville are greater than the above amounts by at least one-half, owing to the fact that the price to and from Madison exceeds that to and from Janesville by more than one-half. For instance wheat from Janesville to Milwaukee is 9c per bushel; from Madison 14c. First class merchandize to Madison is 30c. Second class 25c per 100 lbs. First class merchandize to Janesville 19c per 100 lbs. Second class 16c.

These figures are full of promise for the great enterprise of pushing the Iron track into Southwestern Wisconsin.—Milwaukee Sen.

Stonington Railroad.

The earnings of the Stonington Railroad for the financial year ending 31st August, were \$289,000; the repairs and operating expenses, \$121,000, or 42 per cent.; interest on the debt, \$29,000, capital \$106,000. Leaving \$17,000 applicable to the purchase of the Loans of the Company, and a cash balance of \$16,300. The whole purchases of the Loans of the Company, since last report, amount to \$30,000; and this leaves the outstanding debt, not owned by the Sinking Fund, over \$348,700. The Sinking Fund holds \$97,000. It is stated in the report, that the road has no floating debt, and no constructive account unclosed.

Covington and Lexington Railroad.

This road is now completed to Paris, where it meets the completed portion of the Maysville and Lexington Railroad, opening the heart of Kentucky to Cincinnati, and to the northern markets, as well as forming a new route of travel between Cincinnati and Louisville. Its immediate extension to Lexington, a distance of 19 miles, will depend, we presume, upon whether a satisfactory arrangement can be made with the Maysville Road, the use of which would preclude the necessity of a parallel track, while with such, the former would be entirely unproductive. We presume the Covington Company will give for the use, or purchase of the portion of the Maysville Road between Paris and Lexington, twice what it would be worth to the latter, or any one else, unless the road be completed to Maysville. Should this road fall into the hands of the mortgages, we think it probable that arrangement above suggested will be carried out.

The Covington and Lexington Railroad is a first class work, in the importance of its line, its connections and prospective business, as well as its cost. This company is one of the few in Kentucky of recent date, that has shown real *pluck* in the management and prosecution of its road. We know its management has been such as to secure the confidence of the public, and with this, sufficient means for the progress of its road, even in the *hardest* times. Without such confidence it must have succumbed to the pressure to which all western roads have been subjected. It has now overcome all its difficulties, and we doubt not that a successful future opens before it.

The road is to be the grand avenue from Kentucky to Cincinnati, and the northern markets. It is soon to form the trunk of several great lines branching from Lexington to the southern Atlan-

tic and Gulf cities. It will prove a work of public utility, as well, as a productive one to its owners. It is already, we learn, in the receipt of a very handsome income.

American Railroad Journal.

Saturday, October 14, 1854.

To Railroad Companies.

We invite attention of railroad companies to the notices of several railroads in our present issue, and solicit replies to our inquiries from such as have not favored us with answers. What we desire particularly to obtain, are the *charters* of railroad companies; statements showing their cost, earnings, &c., &c., for each year since they have been in operation; also showing the date and maturity of their funded debts; also showing their present financial condition, with an abstract of their last annual report. If companies will favor us with full sets of their reports we will save them the necessity of making an abstract of them.

We particularly desire reports from such companies as have a *history*, as we wish to publish first in the *JOURNAL*, statements in reference to them, for the purpose of giving opportunities for the correction of any mistakes that may occur.

The statements already published will show the general scope of the proposed work. Similar statements in reference to every company in the United States must constitute a very valuable collection, more so to the railroad interest than any other, as it must show in the main, a very satisfactory result. A few companies only are in that position which would lead them to desire to conceal the condition of their affairs, and even such should, we presume, knowing the impossibility of such concealment, make a public exhibition of their affairs as a matter of policy.

An interesting chapter in the Railroad history of this country, will be the peculiar legislation and policy that each State has adopted in reference to works of public improvement. We have collected a large amount of information upon this branch of the subject.

Erie Railroad.

The annual election for choice of directors of the company was held in this city on the 10th inst. The following names compose the board for the current year. The names of the *new* directors being in *italics*, viz:

Homer Ramsdell, of Newburg; and Samuel Marsh, William E. Dodge, Shepherd Knapp, Cornelius Smith, Marshall O. Roberts, Charles M. Leupp, George F. Tallman, Nelson Robinson, and Daniel Drew, of New York; John Arnot, of Elmira Ambrose S. Murray, of Orange, *D. A. Cushman*, *William B. Skidmore*, *Louis Von Hoffman*, *Chas. Moran*, and *Ralph Meade*, of New York.

The above ticket received about *three-fourths* of the votes cast, which were equal to 40,000 shares or *four tenths* of the entire capital stock.

Of the new members Messrs. Moran and Von Hoffman, were placed in the direction out of deference to the foreign holders of the stock and bonds of the road.

We are immediately to have the report of the "Committee of investigation." Whether we are to have one from the *Company*, save the annual report to the Legislature, we are not informed.

We presume the new board will soon indicate its policy for the future. There never was a time

when a position in the board of directors involved greater difficulties and responsibilities than the present. No step can now be taken by the company that will not be subject to the closest scrutiny, and a *false* one will be almost immediately followed by its legitimate consequences. The first thing to be done, must be to re-establish the credit of the company. The policy adopted for this purpose must be such as will command the assent of an impartial public; one that shall produce the desired result in the shortest time, and most economical manner. If the road can be reinstated in public confidence, the first difficulty will be surmounted. If in addition it be well managed, it can retain that confidence; for we are certain that with such management, it can be made productive.

The directors, who are supposed to represent the foreign interest, occupy a very delicate position. Their continuance in the board will be taken as satisfactory evidence that the interest they represent is properly protected. They thus in a manner become responsible for the acts and policy of the company. If on the other hand they become dissatisfied with a management which they cannot control, they will feel bound to resign, which may place matters in a condition worse than any previous one. However, we hope everything will go right; and that the new board will not only act in entire harmony with each other, but for the interest of all concerned.

Share and Money Market.

The share market continues without material alteration. There is but little speculative feeling, and cannot be, so long as prices of unquestioned securities remain at a low figure. Wherever there is a disposition to buy, first class securities are taken hold of instead of *fancies*; the former being as low as were the latter a year or two since. Till the market is relieved of the load pressing upon it, there cannot be any great improvement in prices. Money is not difficult to be had in the ordinary operations of business, but railroads and similar enterprises are compelled to pay high prices for it.

There continues to be a steady, though moderate demand for first class securities, both for domestic and foreign markets, the influence of which will, we think, soon begin to be seen in a general improvement in prices.

The earnings of railroads for September as far as received, are as follows:

Pennsylvania R. R.

Receipts of the road for the month ending Sept. 30th, 1854.....\$294,476 08
Same period last year..... 260,036 76

Increase\$34,439 22

Receipts from Jan. 1 to Sept. 30, 1854\$2,725,493 29
Same period last year..... 2,104,906 58

Increase\$620,586 76

Indianapolis and Cincinnati R. R.

The receipts of this road for the month of September, were as follows:

Passengers\$16,089 44
Freight 15,021 90
Express 274 40

Total.....\$31,385 74

Michigan Central R. R.

The earnings of the Michigan Central Railroad for September, 1853 and 1854, compare as follows:

	1853.	1854.	Gain.
Passengers...	\$104,445 77	\$135,846 87	\$31,401 10
Freight.....	74,629 03	81,550 30	6,921 27
Miscellaneous	3,525 00	7,838 56	4,313 56

Totals ..\$182,599 80 \$225,235 73 \$42,635 93

Chicago and Rock Island R. R.

The earnings of this road for September were:

Passengers.....\$76,303
Mail 56,459

Total.....\$132,762

Hudson River R. R.

The earnings of this road for September were\$149,143
September, 1853..... 134,079

Increase..... 15,064

Macon and Western R. R.

The earnings of the Macon and Western Railway Co. for Sept., were:

Passengers\$8,314 80
Mail 1,027 42
Freight..... 10,279 82

\$19,622 04

Corresponding month last year. 24,427 15

Decrease (25 per cent.).....\$4,805 14

Eaton and Hamilton Railroad.

The earnings of this line for seven months of the fiscal year, 1854, compared with 1853, same time, are as follows:

	1853.	1854.
February.....	\$6,826 47	\$11,624 44
March.....	6,065 36	10,721 02
April.....	5,097 56	7,932 93
May.....	6,741 76	8,075 66
June.....	6,035 85	7,461 64
July.....	4,879 21	6,188 54
August.....	6,064 18	8,068 79
	\$41,710 39	\$60,073 02
		41,710 39

Increase, 44 per cent.....\$18,362 53

Engineers' and Surveyors' Instruments.

During the last few years the rapid advance in real estate, caused by the great influx of emigrants and the impetus given to the construction of plank roads and Railroads by the liberal supply of capital, created a demand from Engineers' and Surveyors' for the instruments which it is necessary for them to use, never before equalled in this country. As our advertising columns will bear testimony, the manufacture of these instruments has become an important business in the United States, although it is but a few years since all our transits, levels, etc., were obtained from Europe.

Mr. Wm. J. Young has a very large manufactory in Philadelphia, and we are glad to know that his instruments have obtained a wide celebrity as affective aids to Scientific Engineering. His business is also flourishing, notwithstanding the "dull times" of the past few months. We take pleasure in commending him to the attention of our friends who visit that city or who find it convenient to order their instruments from him.

In this city is a manufactory and importing house of high repute which we omitted to mention in our enumeration a few days since. We refer to Messrs. ALBERT COOKE & Co., John st, whose advertisement has been noticed in the *Journal* for

some time. This concern is very centrally located in the business portion of our city and will be found convenient for many strangers and others who may be in want of instruments.

Fulton Car Works, Sandusky, Ohio.

These works are much more extensive than we had supposed. Sandusky is a thriving Lake city of about 10,000 people, admirably situated for the easy distribution of the products of her manufacturing to the South and West. Contiguous forests which skirt the Lake, furnish excellent timber for the manufacture of cars; while the iron required for the running portions is found of the best quality, within convenient distance. Direct connections by railway, with Cincinnati, Cleveland, Newark, and thence with all portions of the East, South, and West, and with the North by water, render the transmission of cars to any part of the country with great facility an easy task. These works, we are informed have now all the orders they are enabled to execute, and Mr. W. W. WETHERELL, the proprietor, is erecting new and very extensive works to meet the increasing demand. The new works will occupy about three acres of land in a lot some 330 by 400 feet, and comprise the following buildings, viz:

Foundry (of stone) 80 feet by 80.

Machine Shop (of brick, 2 stories) 44 feet by 170.

Building Shop (of wood, 2 stories) 60 feet by 120.

Paint Shop (of wood, 1 story) 60 feet by 120.

Blacksmith Shop (of stone, 1 story) 44 feet by 80.

When completed these works will, with the present facilities, enable the Fulton Iron and Car Works to furnish fifty passenger and five hundred freight cars per annum, being about \$500,000 worth of work. From the above it will be seen that these works manufacture their own wheels and machinery and have the best facilities for carrying the business forward in all its branches.

New Haven Railroad.

The law of the State of New York requires (under a penalty) every Railroad Company to make annual returns of the condition of their road and the state of their affairs, in a prescribed manner, to the Legislature, under the sanction of the oath of the President, or some responsible officer. For the year ending September 30th, 1853, the New Haven Company made no such report; though it has been accustomed to do so for previous years. The reason we suppose was, that the speculations of Schuyler had commenced, but he had either too much caution, or too much conscience to perjure himself, as he would have been compelled to do, had he concealed his frauds. But Schuyler was only one of eight directors, and his act in making the usual report was simply executive, as the servant of the directors. Now we should like to ask the directors, why no report was made? They know the law. Their habit has been to make an annual statement. There must therefore have been some reason for the extraordinary omission. Did they know or suspect any thing to be wrong, which they were unwilling to have exposed? What reason had they for their silence? Why did they not in the usual manner direct Schuyler to make out the required

statement? Was their neglect the result of inattention or indifference? We should like some explanation. It may throw important light upon the question of liability for the losses from taking the fraudulent stock. If the directors have omitted the usual and customary precautions, prescribed as checks upon just such frauds as have been committed, are not such omissions to tell either against themselves, or the company they represent?

The directors must take one horn of the dilemma. They must admit that there was a cause for not making the customary report for 1853, and explain the reason for its omission, or they must say that they took no interest in the company, but left it entirely to the tender mercies of Schuyler; even after they must have seen that he had sapped its very vitals.

Reading Railroad.

The Reading, is the only railroad in this country which can fairly be matched with English Roads, either in cost or amount of earnings. The latter for the current year now about closed are estimated at \$4,242,000. The road is 92 miles long and cost about \$18,000,000. The earnings for the year about closing are estimated at \$4,242,000, equal to about 24 per cent. upon its cost, or \$45,000 per mile. We doubt whether there is a road in the world that earns so much per mile; and but few that earn so large a per centage upon its cost.

New Railroads in New York.

During the present month two very important tributaries will be opened to the Erie Railroad, the Syracuse and Binghamton, and the Genesee Valley Railroad which is now completed from Rochester to a point of connection with the Buffalo and Corning Railroad at Avon. These openings will give the two largest interior cities in the State, Rochester and Syracuse, direct access to New York over the New York and Erie, and will undoubtedly throw upon it a large amount of travel from the above cities, in addition to the local traffic of their routes, which naturally belongs to New York.

Lowell Machine Works.

Messrs. ALDRICH & CALBERT, of the late firm of Aldrich, Tyng & Co., of Lowell, Mass. proprietors of the Lowell Machine Works, are now offering to machinists and others, tools of their manufacture of a superior quality, style, and finish. The high reputation which their works have long enjoyed justifies them in anticipating a liberal share of patronage.

Lowell has long been noted for the excellence of her machinery and the efficiency of the numerous outfits which she has furnished to shops in other parts of the country. A good machine shop, well furnished with whatever tools may be necessary to keep up its equipment, is a very important feature in the operation of a Railroad.

Saratoga and Washington Railroad.

A meeting of the stockholders of the Saratoga and Washington Railroad is called for the 17th instant, at Saratoga Springs, for the purpose of taking some action for the payment of the Second Mortgage Bonds and interest falling due on the 1st day of January next.

Memphis and Charleston Railroad.

The following table shows the receipts and expenditures of this road for the year ending August 31, 1854.

Receipts for passengers.....	\$76,379 25
Receipts for freight.....	88,729 72
Receipts for Mails.....	2,780 00

Total earnings.....	\$162,888 97
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Expenses for 12 months.....	77,900 45
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Net earnings for 12 months.....	\$84,988 52
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Ashcroft Steam Gauge.

The attention of those using steam power is invited to an advertisement of the AMERICAN STEAM GAUGE Co., of Boston, in this week's Journal. This gauge has an excellent reputation for the efficient performance of the services which it was invented to accomplish. It will be seen that the American Steam Gauge Co., have purchased the sole right of the patentee, both of this and the "India Rubber" gauge, which they offer for sale on the most favorable terms.

Concord Railroad Corporation, N. H.

President,—Isaac Spalding, Nashua, N. H.; Superintendent,—N. G. Upham, Concord, N. H.; Treasurer,—N. P. Lovering, Office No. 7, Merchant's Exchange, Boston.

Principal Office, Concord, N. H.; Transfer office, Boston,—annual meeting, Tuesday preceding last Wednesday.

Income account is made up semi-annually—April 1 and October 1.

Dividends payable ditto,—May 1 and Nov. 1.
Length of main line, double track, open for traffic, 35 miles.

Length of double track, 35 miles.

CHARTER.

This Company was incorporated by the Legislature of New Hampshire in 1835, and empowered to construct and maintain a railroad, commencing at any point at the southerly line of the State, in either of the towns of Hudson, Pelham, or Salem, or from certain specified points in Dunstable, (Nashua village), so as to enter on the Nashua and Lowell Railroad, thence to run northerly to the town of Concord. By the original Charter and amendments thereto, in addition to the usual powers and liabilities, authority was given to lay out the road six rods wide, and to take as much more land as might be necessary for the proper construction of the road: to have a capital of ten thousand shares, at fifty dollars per share, (\$500,000) with liberty to increase the same by the creation of new stock; to extend the road so as to connect with the Boston and Lowell Railroad whenever power so to do, shall be granted by the State of Massachusetts, and to enlarge their capital stock for that purpose. Other provisions of the Charter reserve to the Legislature, if the net income for five years after the opening of the road shall exceed ten per cent., the right to reduce the tolls so as to produce only a net income of ten per cent for the next five years; and to interpose in like manner at the expiration of any five years; forbid the construction of any parallel road, within five miles, for the period of thirty years; required Annual Report to the Legislature under a penalty of a sum not exceeding \$500; established the principal place of business at Concord; and provided that the State, after

twenty years from the completion of the road for use, may purchase the road, by paying the amount expended and ten per cent. annual income on the same, if the Corporation shall not have received a net income equal to twelve per cent. per annum on their expenditure. The duration of the Charter (under a general statute) is unlimited; but it may be altered, amended or repealed at the will of the Legislature.

CONSTRUCTION.

Owing to the uncertainty as to the profitable extension of railroad lines into the interior, the Concord Railroad, notwithstanding strenuous efforts on the part of its confident friends, was not built until 1842—seven years after the Charter was granted. The road was opened from the State Line to Manchester, on the 1st of July, 1842; to Hooket on the 26th of July, and to Concord on the 7th of Sept. of the same year. The laying of a second track was commenced in 1846, and completed the whole length of the road in 1848.

PHYSICAL FEATURES.

The Concord Railroad extends from Nashua to Concord, up the valley, and along the left bank of the Merimac River, a direct and level route. The length of the road is 35 miles; the maximum grade 15 8-10 feet per mile: the average grade 3 1/2 feet per mile: the length of straight line is 19 1/2 miles. The road-bed is of gravel with wooden superstructure. There are 69 miles of main double track laid with heavy T rails, and heavy side tracks and crossings to the extent of 8 miles, and 2,391 ft. The line possesses ample accommodations in the way of Stations, Freight and Engine Houses; is completely equipped expenditures being annually made to keep the track and rolling stock in perfect order.

INCREASE OF BUSINESS.

When its passenger trains first commenced running, the Concord Railroad had three small engines, and run only one passenger car; fixtures, stations, and everything connected with it were upon a corresponding scale. Since that period the business of the road has greatly increased. It has, in connection with the Lowell and Nashua, and the Boston and Lowell, become to a large extent a trunk road; and this fact, together with the growth of the manufacturing city of Manchester, has augmented very rapidly, increasing the business of the road in an equal degree. The connecting road are the Northern—Boston, Concord and Montreal—Concord and Claremont, and Concord and Portsmouth Roads, which connect with the Concord road at Concord: The Manchester and Lawrence and the Merrimack and Connecticut River Road, at Manchester: The Nashua and Lowell—Nashua and Worcester and the Wilton, and Nashua Roads.

FINANCIAL CONDITION.

At the annual meeting in 1853, the capital stock of the Concord Railroad was finally fixed and closed at 80,000 shares, or \$1,500,000. The road has been wholly built by Stock Subscriptions. It neither owes nor has ever owed a debt. From the opening up to 1850 the dividends were 10 per cent., and since that year they have averaged a little over 8 per cent.—the reduction being owing to the increase of capital and diminution of the rates of fare and freight. Dividends have always been paid in cash. During the years 1847 and 1848, \$56,571 50 was taken from the surplus earnings and expended in building the Depots, &c., in Concord, N. H., and Engine Houses at Nashua. No preferred stock has ever been issued; consequently no shareholder has any preference as regards dividends.

SYNOPSIS OF THE LAST ANNUAL REPORT.

The Earnings of the Road for the year ending March 31st, 1854, \$329,744 76, were derived from the following sources, viz: from Passengers \$123,322 88; Freight, \$197,206 80; Expresses \$2,400 58; Mails \$4,425 56; rents \$1,444 12; interest \$944 82.

The Expenses were—maintenance of road (including wages of switchmen, gate keepers, signal men, and watchmen) \$34,775 87; motive power \$37,712 39; fuel \$36,482 54; oil, gas, materials for cleaning, &c., \$5,945 08; passenger department, \$16,362 72—freight department, \$20,915 67; gratuities, damages, bad debts, &c., \$2,501 31; miscellaneous \$16,386 36—making the total expenditure \$171,111 91, and leaving a balance of \$158,632 82. From the balance the tax on capital stock and the dividends were paid, two locomotives purchased, and \$3,500 paid to Manchester and Lawrence Road as apportionment of joint through business. The surplus carried to Contingent Fund was \$11,936 82, making that Fund \$29,454 65. The expenditures on construction account were \$24,411 12—making that account \$1,433,508 91, and leaving an unexpended capital of \$51,491 09, of which \$50,000 is loaned to the Portsmouth and Concord Road. The additional capital 300 shares or \$15,000, voted May 1853, was not needed till May 1854, at which time it was issued—this amount added to the unexpended balance, as per their report in May 1854, will make 16,491 09 balance on hand, applicable to construction,—agreeably to an Act of the New Hampshire Legislature in 1849.

BUSINESS OF THE ROAD.

The amount of freight transported over the Concord Road, exclusive of freight in connection with the Upper roads, during the year, is as follows:

	No. of tons up.	No. of tons down.	Total.
Concord road.....	36.777	37.950	74.727
The number of trains run has been 606; number of long cars run, 15,600; average tons per train, 123; average tons per long car, 4.			
Freight, in connection with the Upper Roads, has been as follows:			
	No. of tons up.	No. of tons down.	Total.
Upper Roads.....	54.487	151.748	206.236
Through freight....	3.521	24.512	28.033
Local freight.....			
In all.....	58.008	176.261	234.269

The total tonnage of the Concord Road, and in connection with the Upper roads, is 91,786 tons up; 214,211 tons down; making in all, 308,997 tons.

The whole number of passengers carried over any portion of the Concord road during the year, has been..... 248,787
 Ditto for one mile..... 5,409,105
 Equal to passengers over the whole road 156,788
 Miles run of Engines with passenger
 Trains..... 83,540
 Freight do. 112,145
 All other do. 7,213

Total..... 202,898

EQUIPMENT OR ROLLING STOCK.

Six passenger and seven freight engines; fifteen passenger cars, containing 894 seats; 5 baggage cars; 170 merchandize cars, equal to 287 short cars; gravel and other cars 51; snow ploughs 1 large, and 4 small.

Statement showing the Cost; Mileage; Cost per mile; Gross Receipts; Current Expenses; Net Receipts; rate of Dividend; Receipts from Passengers; Receipts from Freight; Miscellaneous; Earnings per mile; per centage of Gross Earnings; Do. of net Earnings, of the Concord R. R., since the opening of the first division of the Concord Road to the present time.

Year.	1842-3, 8 months.	1843-4.	1844-5.	1845-6.	1846-7.	1847-8.	1848-9.	1849-50.	1850-1.	1851-2.*	1852-3.	1853-4.
Cost of Road and Equipment.	\$742,223	756,444	779,581	1,042,718	1,350,000	1,350,000	1,386,788	1,386,788	1,386,788	1,386,788	1,409,097	1,433,508
Length in Miles.	35	35	35	35	35	35	35	35	35	35	35	35
Cost &c., per Mile.	\$21,206	21,613	22,274	29,792	38,571	38,571	39,623	39,623	39,623	39,623	40,260	40,957
Gross Receipts.	\$70,912	139,080	181,842	228,479	296,228	311,236	318,257	318,257	318,257	318,257	306,805	329,744
Current Expenses.	\$65,167	82,929	98,913	135,056	176,453	180,698	179,872	148,934	147,974	170,866	163,969	171,112
Net Receipts.	\$5,745	56,151	82,929	93,423	119,775	130,538	138,385	169,323	170,283	147,391	142,836	158,632
Dividend.	6ms 5	9	13	10	10	10	10	10	10	9	8	8
Receipts from Passengers.	\$43,034	72,799	90,545	109,971	133,545	138,907	135,837	127,892	127,892	127,892	127,892	127,892
Receipts from Freight.	\$21,808	65,430	90,099	115,469	141,117	150,602	155,641	155,641	155,641	155,641	155,641	155,641
Miscellaneous.	\$1,068	860	1,196	3,038	15,668	12,726	9,970	9,970	9,970	9,970	9,970	9,970
Earnings per Miles.	\$3.974	3.988	3.988	3.988	3.988	3.988	3.988	3.988	3.988	3.988	3.988	3.988
Per cent. Gross Earnings.	18 3/4	24	24	24	24	24	24	24	24	24	24	24
Per cent. Net Earnings.	10	10	10	10	10	10	10	10	10	10	10	10

* For eleven months and including the running of the Manchester and Lawrence Railroad, leased to the Concord.

† It will be recollected that the amount applicable to this account is \$1,450,000. Whereas the

from a given boiler may be worked at a higher pressure," &c. All wrong.

There is no trouble with high steam in the cylinder, as ordinarily constructed; but the great difficulty is to get a boiler strong enough, to stand the ordinary pressure, with safety; and every increase of pressure, and consequent temperature, increases the destructibility of boilers, in nearly a geometrical ratio.

Mr. Colburn, like some politicians, looks one way while he rows the other. The great efficiency of the Winans' freight engine, lies in retaining the cylinder as formerly made, and making the wheels smaller, and increasing their number, to get sufficient adhesion, and thereby increasing the number of revolutions and the quantity of steam used in a given distance.

Mr. Colburn is wrong in recommending a driving-wheel, larger than six feet for any road; because it is perfectly easy to run as fast as any sane man would care to ride, with such a wheel, and any larger wheel, increases necessarily the weight of the engine in all its parts; makes the centre of gravity higher from the track, and shortens the smoke stack, and makes it necessary to pinch the exhaust-pipes still more, to make steam enough.

My object in writing the foregoing, is not to find fault with Mr. Colburn, but to set him right in some important particulars, and assist him in future, to impart information, in which "assumption" shall not be the predominant feature.

AN OLD ENGINEER.

Columbus, Piqua and Indiana Railroad.

This road, which has for some time past been in operation to Urbana, 46 miles from Columbus, has just been extended to Piqua, 36 miles further, or 72 from Columbus, and is well advanced, and will undoubtedly be completed the present year to its western terminus at Union, upon the Indiana State Line. The whole road will be 102 miles long, and will probably cost about \$2,500,000, or a trifle less than \$25,000 per mile. The capital account is as follows:

Stock.....	\$950,000
1st mortgage bonds.....	600,000
2nd " ".....	400,000
3d " ".....	600,000

Of the last issue \$550,000 have been guaranteed by the Cleveland and Columbus, Bellefontaine and Indiana, Indianapolis and Bellefontaine, and the Ohio Central Railroad Companies. We understand that the last issue will supply ample means for completion of the road.

The road is the western prolongation through the State of several eastern lines terminating at Columbus. It traverses a very excellent, highly cultivated and thickly settled country, and one capable of supplying a large local traffic. The completion of the Ohio Central and the Steubenville and Indiana Railroads, will open to this road very favorable connections with Philadelphia and Baltimore, and through these, with the more northern cities. It will connect one of the best portions of the State with its capital, which is already an important commercial and manufacturing town, and one of the most flourishing in the country. At Union, its western terminus, it connects, by an uniform gauge, with the Indianapolis and Bellefontaine, and with a line which in a few

months is to be extended to St. Louis, and with the numerous other roads either constructed, or in progress terminating at the former place.

We learn that the portion of the road which for some months has been in operation to Urbana, has been doing a very good business. The action of the above companies in endorsing its bonds speaks well for the project and is worth something as a certificate in its favor, in addition to the aid afforded.

It will be seen that the road has to earn only \$112,000 net, to earn interest on its funded debt, and only \$171,000 to pay seven per cent. upon its cost. A rate of earnings of only \$4,000 per mile would produce a net income of \$200,000. From the character of the country traversed, and the intercourse that prevails between different portions of it, the above would seem to be a very moderate estimate.

We are glad to see one after another of the roads of Ohio gradually brought to completion. We hope for the present no new one will be undertaken. The people of the State have accomplished a vast work, and now need a breathing spell. In a year or two more, the people of Ohio will be as well accommodated with railroads as those of any State, and nothing is wanting to make all their roads profitable but freedom from competition and time for the development of the resources of the State, for which the railroads constructed and in progress will give every needed facility.

Hudson River Railroad.

HISTORICAL SKETCH.

The Hudson River Railroad was chartered on the 12th day of March, 1846, with authority to construct and maintain a railroad from the City of New York to the City of Albany, (with the exception of building a bridge over the Hudson River). The charter required the road to be constructed through the tier of towns, (with one or two exceptions,) lying immediately upon the bank of the river, and in no case to be located more than 2½ miles from the same. It contains the usual power to take the necessary lands for road-bed, right of way, stations, material, &c., &c. Its duration was limited to 50 years. The amount of capital stock authorized was \$4,000,000, of which \$3,000,000 was required to be subscribed before the organization of the company. No limits are placed upon the tolls, or profits to be received, with the exception, that it is restricted to a fare of two and one-half cents per mile, per passenger, for the months of December, January, February, and March; and to two cents for the remainder of the year; but in no case to charge more than three dollars for the through trip between New York and Albany. The company can hold no real estate not necessary to the objects of the road. It was authorized to borrow money to the amount of \$6,000,000, and mortgage its property therefor.*

The necessary subscription of \$3,000,000 to the

* It is necessary to be borne in mind that all the railroad companies in the State, of New York are now amenable to the General Railroad Law of the State, (which we publish in the present number) and which, without abrogating or impairing special charters, authorizes railroad companies to increase the amount of their capital stock, and to borrow money, (under certain conditions), *ad libitum*.

capital stock having been obtained, the company was organized on the 4th day of March 1847. The work of construction was commenced in August 1847, and the first division of the road opened to Peekskill, a distance of 43 miles, on the 30th of September, 1849; and on the 31st day of December, 1849, 75 miles, to Poughkeepsie. The division from Poughkeepsie to Albany was not put under contract till July, 1850. On the 16th of June, 1851, the road was opened from Poughkeepsie to Tivoli, 100 miles from New York; on the 3d of August, to Hudson, 116 miles from New York; and on the 1st day of October, 1851, to Greenbush opposite Albany, 144 miles from the Company's station, on Chambers street in New York.

ROUTE.

The route of the Hudson River Railroad, as before stated, lies upon the immediate bank of the Hudson. For a considerable portion of the distance, the road-bed is formed by filling into the river, and is elevated only a few feet above ordinary high water. The road is consequently level, or nearly so; the only grade of importance being a short one near Poughkeepsie, which is at the rate of 10 feet to the mile. The road has an excellent line, as well as a level grade, allowing it to be run with safety, at the highest speed.

The excellence of the navigation of the Hudson, which in a great measure is independent of rains, the tide flowing to Albany, and the directness of its course, which does not allow any considerable saving in distance to be effected by a railroad, for a long time delayed the undertaking of a railroad upon its bank. The speed of the passenger steamers is very nearly up to the average of the railroads of the country, while in *comfort*, the railroad car is not to be compared with them. The public mind inclined to the conviction, that under such conditions, a railroad could not compete with the river in the carriage either of persons, or merchandise, although this competition was withdrawn for two or three months each year, by the closing of the river by ice; so that, although the route is one over which twice the number of people pass, annually, than any other, and ten times the tonnage, the construction of a railroad upon it was regarded as altogether too hazardous an experiment to be ventured upon. It may be said that the popular sentiment never was a convert to the success of the project, till within a year or two past; till success has been demonstrated, by the result of its operation. The road owes its construction not to popular favor, but to the public spirit, wealth, and resolution of a very few individuals, who saw the necessity of the road to the prosperity of the New York population, and who had the instinct to perceive that the most favorable water routes could never compete with the present modes of travelling by land. The projectors of the road succeeded in enlisting in its aid a sufficient number of the citizens of New York to furnish the amount of means necessary to its construction, trusting to the support of the community when the result of its operation could be seen.

Upon the route of the Hudson River the movement of both persons and property is undoubtedly much greater than upon any other in the U. S. For freight it is the outlet of the Western and North-western States, as well of the State of

Vermont, a portion of Massachusetts, and for a very large portion of the products of the Provinces of Canada. The Hudson is the only river in the United States, which carries its navigable waters through the great coast range of mountains extending from the Gulf of St. Lawrence nearly to the Gulf of Mexico. The head of waters of (the Mohawk Branch of) this river are one hundred feet lower than Lake Erie; and several hundred below the great interior basin of the country. The peculiarly favorable features of the route led to the construction of the Erie Canal, which was followed by the central line of railroad, which being completed many years in advance of any other line from the Lakes to tide water was, till other routes were opened, almost the sole route, in connection with the Lake and the Hudson, of travel between the Eastern States, and the interior of the country.

The road has been one of the most expensive in the United States; from the inherent difficulties in the route, and the great cost of lands, and right of way. The route necessarily lay over very valuable real estate, and as numerous villages are passed through, the claims for damages were consequently large. The route itself is an expensive one. From New York to Poughkeepsie, the banks of the river, which are composed of the hardest kind of rock formation, rise precipitously from the water, rendering necessary heavy side cuttings, or high embankments which have to be carefully protected from the water. A large amount of bridging and trundle work was required in crossing the numerous tributaries and indentations of the river.

The road will always be an expensive one to maintain from its exposed position, which renders the maintenance of a very large police force necessary; from the high speeds that have to be resorted to, to compete with the river, and from the fact that so large a portion of the operations of the company are within the city of New York. The employment of horse power between Chambers and 31st streets, is a very expensive item, while the expenses of all roads are largely increased by the fact of their termination in great cities. The ratio of expenses to earnings of the Hudson River Road have been nearly 75 per cent. The competition of the river forces the road to run a large number of trains, and to maintain high speeds, irrespective of the amount of business offering. Other roads freed from such competition, adapt the running of their trains to the amount of their business, increasing the service in proportion to increase of traffic. The Hudson River Road found the traffic of its route in possession of the steamboats, and had to attract such business to itself, by offering to it superior attractions. It had to perform very nearly the same amount of service the first year of its opening, with receipts equally to \$1,000,000, and at nearly the same expenses that it does at the present time, with receipts equally to \$1,800,000. This fact has compelled the company to forego dividends, which may not be paid for some time to come.

CHARACTER OF BUSINESS.

The revenue of the road is chiefly derived from the carriage of passengers. In competing for these with the steamboats, the road has steadily gained from the time of its opening, and will probably become the principal route of travel be-

tween Albany and Troy, and New York; though the night boats will always carry large numbers. The great bulk of the travel will however take the road. The receipts from passengers the present year are nearly 80 per cent. greater than those of 1853. During the summer months the river will be chiefly used for the transportation of freight; that of the road being made up chiefly of live stock, and light parcels. In the winter months the Hudson River will be one of the largest freight roads in the United States.

Statement, showing the Cost; Mileage; Cost per mile; Gross receipts; Current expenses; Net receipts; Receipts from passengers; Receipts from freight; Miscellaneous; Earnings per mile; Percentage of gross earnings; Do. of net earnings, of the Hudson River Railroad from its opening to the present time.

Year.	Cost.	Mileage.	Cost per mile.
1851.....	6,666,682	75	88,889
1852.....	9,305,551	144	64,505
1853.....	10,527,655	144	73,108
1854.....	11,780,524	144	81,809
	Gross receipts.	Current expenses.	Net receipts.
1851.....	287,661	167,383	100,278
1852.....	405,559	336,850	68,709
1853.....	1,063,659	724,876	338,783
1854.....	1,201,837	918,253	273,584
	Rec'ts from passengers.	Rec'ts from freight.	Miscellaneous.
1851.....	242,595	18,576	6,490
1852.....	361,654	37,096	6,800
1853.....	728,396	236,805	44,458
1854.....	935,628	312,005	44,205
	Earnings per mile.	percentage of gross earnings.	do. of net earnings.
1851.....	3,569	4 1/4	1 3/4
1852.....	2,816	5	1
1853.....	7,435	10 1/4	3 1/2
1854.....	9,971	11 1/4	3 1/4

FUNDED DEBT.

The total funded debt of the Hudson River Railroad is \$8,000,000, viz:	
1st mortgage 7 per cent. bonds, issued February 1st, 1849, and payable February 1st, 1869.....	\$1,954,000
Do. do. do. do. and payable February 1st, 1870....	1,936,000
1st mortgage 6 per cent. bonds, issued February 1st, 1849, and payable August 6th, 1869.....	110,000
Total 1st mortgage bonds.....	\$4,000,000
2nd mortgage 7 per cent. bonds, issued Dec. 16th, 1850, and payable Dec. 16th, 1860.....	2,000,000
Convertible 7 per cent. bonds, issued May 1st, 1852, and payable May 1st, 1862.....	2,000,000
Total Funded Debt.....	\$8,000,000
Interest payable at the company's office in New York, half yearly.	

DOUBLE TRACK.

The road has a double track from New York to Poughkeepsie, 75 miles, and for 13 miles immediately below Albany, and 5 miles intermediate between the 13 miles, and Poughkeepsie. The road from Albany to Troy, known as the Troy and Greenbush Railroad has been purchased by the Hudson River Road and forms a part of the main line to Troy.

A financial statement, with an abstract of the last annual report, is postponed till the publication of the report to the Legislature, which is made up to Sept. 30th, of each year.

Journal of Railroad Law.

PRINCIPALS AND AGENTS.

The rights and obligations of the New Haven Railroad Company in regard to the late over-issues of stock can only be determined by reference to the established law governing the relations of Principal and Agent, whether that Principal be a private individual or a corporate body.

A principal appoints an agent to discharge certain duties and publicly announces him as duly authorized for that purpose. He is appointed, for example, to endorse notes. The public are justified in supposing that the agent so appointed is reliable and trustworthy. A principal would be insane should he knowingly confide important interests to a man of doubtful integrity. It is true that no agent can be safely deemed wholly proof against temptation. But it is fair also to suppose that every principal duly supervises the operations of his agent, and secures himself against any abuse of authority.

But if it should be found that the agent has, under color of the authority with which his principal has clothed him, defrauded a third party, who was justified in believing that the agent was acting within the limits prescribed to him; and if moreover, the principal has neglected to furnish any safe-guards against the treachery of his agent, and especially if the principal has, before the discovery of fraud publicly recommended his agent as worthy of all confidence—it would seem that while the latter is chargeable with fraud, the former is guilty of inexcusable negligence. In other words, the principal and agent both participated in the wrong which has been done.

When A announces to the public that he has duly authorized B to do certain acts in his place and stead, he virtually says to the public, "confide in B, I am responsible for the acts which he performs as my agent." It will usually be impracticable for the public to discern when B is guilty of excess in the exercise of his authority.—If B is authorized to endorse notes to the amount \$10,000, he may endorse notes to the amount of \$20,000, and the public be never the wiser. The principal, on the other hand, can take due precaution against the misconduct of the agent in question. The public cannot usually take such precautions.

True, it is a general rule, that he who deals with a special agent, deals at his peril when the agent passes what is fairly to be considered the limits of his authority. But what, as regards the public, are the limits of an agent's authority? Are they the limits fixed by a private arrangement between him and his principal, or to be ascertained only by inspecting the private books of the latter? Or are the bounds of an agent's authority, so far as the public are concerned, those which are presented to the public—those which the public, in view of all the circumstances of the case, is authorized to consider the legitimate ones? There must be no mystification nor delusion practised. If a principal clothes his agent with powers calculated to induce innocent third persons to believe the agent duly empowered in a given case, the principal is liable for the injury thereby occasioned. The case is of course different when an agent does an act without color of authority—as, for instance, if a Bank Cashier should as such execute a policy of Insurance. Then the agents alone would be liable.

If the servant of a horse dealer and who sells for him, but with express instructions *not* to warrant as to soundness, does warrant, the master is held to be bound thereby, because the servant having a general authority to sell, acted within the general scope of his authority, and the public cannot be supposed to be cognizant of the private conversations of the master and servant. 3 Term Reports, 757.

Did or did not any party who has suffered from dealing with a fraudulent agent, have good reason to believe from the declarations and conduct of both the principal and the agent, that the agent was acting within the scope of his authority?

If so, it is difficult to perceive why both principal and agent are not responsible for any injury sustained.

The Railroad Convention.--No Increase of Freight.

The meeting of the Superintendents of the four great lines of railroads terminating in the City of New York—to wit: the New York Central, the New York and Erie, the Pennsylvania Central, and the Baltimore and Ohio—met at the St. Nicholas Hotel on Tuesday, the 26th, for the purpose of carrying out the details of resolutions adopted at the convention of the 15th of August last. In consequence of the depression of the prices of produce, the small amount of freight offering, and the general stringency of the markets, it was thought inexpedient at this time to increase the prices for transportation of freight. It is understood that many other matters contemplated in the resolutions referred to were fully discussed, and the necessary measures adopted to carry out the views of the convention.

For Sale.

A STATIONARY Engine having cylinders 18 inches bore and 20 inches stroke, complete in all respects and finished in the best manner. Has been in use about six months.

ROGERS, KETCHUM & GROSVENOR,
Paterson, New Jersey,
jul.14 29 tf.] or 74 Broadway, New York.

Rensselaer Polytechnic Institute.

DESIGNED for the education of ARCHITECTS and CIVIL ENGINEERS,—including Railway, Hydraulic, Topographical, and Mining Engineers.

For copies of the *Annual Register*, giving full information respecting the Institute, apply to

R. FRANKLIN GREENE, Director, R. P. I.
32 3m Troy, New York.

Lowell Machine Works.

ALDRICH & CALVERT (late ALDRICH, TYNG & Co.) manufacture and furnish to order, at short notice, **Machinists' Tools**

of various description and with the latest improvements; as engine lathes, with swing 16, 20, 24, 28, 30, 36, 48 inches, up to 7½ feet, and bed made to turn any desirable length; planing machines, to plane 3½, 6, 8, 10, 12, 18, 20, 22 feet long, and 18, 24, 28, 30, 40, 48, 60 inches square; also hand lathes, compound planers, slotting and shaping machines, vertical drills, bolt cutters, and many other tools used in railroad, repair and machine shops.

Lowell, Mass., Jan'y 1, 1853.

41 1y

THOS. M. CASH, PHILADELPHIA RAILWAY AGENCY,

FOR THE PURCHASE OF ALL ARTICLES
required by

RAILROAD COMPANIES ON COMMISSION.

Office No. 80 South Fourth Street, near Walnut,

PHILADELPHIA.

REFERENCES.

RICHARD NORRIS & SON, Locomotive Builders, Philadelphia.
WM. D. LEWIS, Esq., Pres't Catwissa R.R. Co., "
CHARLES H. FISHER, Esq., "
S. E. MERRICK, Esq., Pres't Farmers Mechanic's B'k, "
JOHN CALDWELL, Esq., Pres't S. Carol'a R.R. Co., Charleston.
J. PIERCEY HUGGER, Esq., Pres't N. East'n R.R. Co., "

A. B. Warford,

Chief Engineer, Susquehanna Railroad, Harrisburg, Pa.

Buffalo Machinery Depot. BUFFALO, N. Y.

H. C. BROWN, *Sup't.* J. W. HOOKER, *Proprietor.*
I AM prepared to furnish and will keep constantly on hand from the best manufacturers a full stock of *Machinists' Tools* for railroad and other shops; such as Engine and Hand Lathes, Large Driver Lathes, Car Wheel Boring Mills, Power and Hand Planers, Drill Presses, Punch and Shears, Axle Lathes, Power Wheel Presses, Bolt Cutters, &c.
J. W. HOOKER, Buffalo, N. Y.

Fire! Fire! Fire!
Preserve your books in one of Duryee & Forsyth's celebrated *Fire King safes*. They are perfectly secure and excel in finish.
J. W. HOOKER, Agent, Buffalo.
Railroad Track, Suspension and Depot Scales, Dormant, and Portable Warehouse Scales, Trucks, Baggage Barrows, and Manifest Presses.

Buffalo Machinery Depot,
General Agency for Rochester Scale Works.
H. C. BROWN, *Sup't.* J. W. HOOKER.

Port Morris Manufactory. WESTCHESTER COUNTY, N. Y.

ARE prepared to execute orders for all kinds railroad work and have on hand the approved Railroad Box with the raised Journal; also Car Couplings (Lewis' Patent) and Ratchet Wrenches from \$5 to \$10 each.

All orders punctually attended to by addressing the above.
M. C. BAKER.
N.B. Long Iron Planing done on reasonable terms.
37 6m. 108 Front street, up stairs.

NOTICE.

THE Copartnership heretofore existing between the undersigned, under the firm of Smith & Tyson, is this day dissolved by mutual consent. Either partner is authorized to settle the business of the concern.

J. HOPKINSON SMITH,
RICHARD W. TYSON,
No. 25 South Charles st.

Baltimore, July 1st, 1854.

Notice of Copartnership.

THE undersigned have this day formed a Copartnership under the firm of J. Hopkinson Smith, in which Richard W. Tyson is a special partner, and J. Hopkinson Smith is the general partner.

J. HOPKINSON SMITH,
RICHARD W. TYSON.

Baltimore, July 1st, 1854.

33 3m

Notice of Copartnership.

MR. PETER MARIE, heretofore of the firm of DECOPPET & CO., has this day formed a copartnership with Mr. RUDOLPH KANZ, (for many years with the banking house of Messrs. L. Von Hoffman & Co.) under the firm of MARIE & KANZ, at No. 27 William street.

Their attention will be devoted to the purchase and sale on Commission of Stocks, Bonds and Foreign Exchange, and to the negotiation of Business Paper.
New York, 1st September 1854.

36 8t

Steam Engine and Blowing Cylinders for Blast Furnace for Sale.

A STEAM ENGINE, 20 inch cylinder, and five feet stroke, together with Blowing Cylinders, five feet diameter, and six feet stroke, in perfect working order, for sale. Apply to
EDW. BECH & KUNHARDT, 62 Beaver st.,
or, A. TOWAR, Agent Poughkeepsie Iron Works,
Poughkeepsie, N. Y.
23 1t

For Sale.

BY the Baltimore and Ohio Railroad Company, 24 crate cars adapted to railroad purpose, which will be sold at a reasonable price. For further information, apply to

SAMUEL J. HAYES,
M. of M., Baltimore and Ohio R. R. Co.,
or, BRIDGES & BRO.,
64 Courtland st., New York.

19 1t

Machinists' Tools. SHRIVER & BROTHERS, Cumberland, Maryland,

(on Baltimore & Ohio R. R., midway between Baltimore and the Ohio River)

MANUFACTURERS of Engine Lathes, Planing Machines, Drill Presses, Hand Lathes, and other Machinists' Tools. These tools are built in a superior manner, from the very best materials, and are particularly adapted for railroad shops and all others repairing first rate machinery. Our location is very advantageous for shipping work to the West or South. Orders and communications receive prompt attention. Address
SHRIVER & BROTHERS, Fulton Works,
Cumberland, Maryland.

August 19th, 1854.

32 6m

Low Moor iron.

A FULL ASSORTMENT of this superior brand, which for strength, soundness, and uniform quality, is confidently recommended for all work requiring good iron, consisting of Round, Square, and Flat sizes of all dimensions, constantly in store and for sale in lots to suit purchasers, by

W. BAILEY LANG & CO.,
54 Cliff street.

Notice to Contractors.



CHIEF ENGINEER'S OFFICE,
Columbus, Ga., Sept. 5th, 1854.

SEALED PROPOSALS, will be received by the undersigned at this office until the 1st day of December, for the clearing, graduation, Track-Laying, together with the building of all Bridges and Culverts of the Western Division of the Mobile and Girard Railroad, extending from Mobile to Greenville, covering a distance of 130 miles.—The work will generally be divided into one mile sections, and bids may be made for one or more of these sections. Separate proposals are desired for the Track Laying, building of Bridges and Culverts, likewise for the building of the Trestle work 5½ miles in length, across the Tensas and Mobile Rivers, with the intervening swamps; the Trestle will be 12 feet high, built upon Black Cypress Piles, found in abundance and adjacent to the line, the two rivers will be crossed with the common pile bridging, with Truss Pivot draw in the centre of each.

Specifications with the form of the Contract and Proposals, may be had of the undersigned upon application.

Plans, Profiles, and estimates of that portion of the line, are now ready for examination, and parties proposing will please designate it as such upon the envelope.

The country is healthy, with no swamps after leaving the Tensas River; from Mobile to the river (18.5 miles) the grading is light, and country very healthy at all seasons of the year; after the line leaves the Tensas River, it passes through and on the ridge that divides the Alabama and Conecuh waters, easy of access by the Alabama River, and through a section of country well stocked on either side with provision.

Payments will be made one third ($\frac{1}{3}$) in current funds, one third in the Capital Stock of the Company bearing (.08) per cent. interest payable in Stock, until the Road is completed, then to cease and become common stock of the Road, and relying upon the earnings of the same for dividends; the balance ($\frac{1}{3}$) to be paid in the (.08) per cent. Convertible Bonds of the Company, maturing in 2 or more years at the option of the Contractors, Coupons payable semi-annually, either in Columbus, Ga., Mobile, Ala., or in N. Y., at the option of the holder.

To bidders personally unknown to the undersigned, Bond and approved security will be required, to an amount not exceeding ($\frac{1}{4}$) the amount of the contract, for the timely and faithful completion of the same.

22½ miles of the Road from Girard west will be open for business the first of November, and 52 miles nine months thereafter. It is the intention to have the entire line of 245 miles open for business early in 1858.

St.37.

GEO. S. RUNEY.

New York Locomotive Works, JERSEY CITY.

THIS COMPANY are prepared to execute with despatch, orders for Locomotive Engines, Tenders, and Railroad Machinery generally, embracing the latest improvements. The works being located near the water, and in the immediate vicinity of the New Jersey and Erie Railroads offers great conveniences for shipping.

BREESE, KNEELAND & CO.,
Proprietors,
35 Exchange Place.

E. P. GOULD, Superintendent,
late Master Machinist on Hudson River R. R.

[40 1t]

500 TONS No. 1 Glengarnock Scotch Pig Iron in lots to suit purchasers for sale by

NAYLOR & CO.,

99 and 101 John st.

N. B.—The above Iron constantly imported.

32 1t

NEW YORK STATE CANALS.—NOTICE TO CONTRACTORS. In pursuance of a resolution of the Contracting Board, notice is hereby given, that sealed proposals will be received by the undersigned for the construction and completion of the work upon the several Canals of this State, described in the following tabular statement at the times and places therein mentioned:—

ENLARGEMENT OF ERIE CANAL—EASTERN DIVISION.

Sealed proposals will be received at the Engineer's Office in the city of Utica, until Monday, the 9th day of October next, at 10 o'clock, A. M., for the following described work:—

Description of Work.	Amount of Bond.	Time of Completion.
Section No. 16.....	\$7,500....	1st April, 1856.
" 36.....	3,300....	"
" 37.....	5,200....	"
" 57.....	7,000....	" 1857.
" 58.....	9,500....	"
" 59.....	6,000....	"
" 60.....	6,000....	"
" 61.....	6,000....	"
" 62.....	12,400....	"
" 75.....	5,100....	" 1856.
" 78.....	5,800....	"
" 131.....	5,300....	" 1857.
" 132.....	5,800....	"
" 133.....	6,000....	"
Lock No. 34.....	5,600....	1st July, 1856.
" 38.....	6,000....	"
" 40.....	6,200....	"
" 42.....	6,200....	"
Waste Weir on Sec. 120.	1,200....	1st April, 1855.
Bridge Abutments on Sections 15, 16 and 17.....	2,500....	1st July, 1855.
Bridge Abutments on Sections 36 and 37....	1,300....	"
Bridge Abutments on Sections 57, 58 and 59 and Main street Bridge at Fultonville.	3,000....	" 1855.
Bridge Abutments on Sections 60, 61 and 62.....	2,000....	"
Bridge Abutments on Sections 75 and 78....	1,500....	" 1855.
Bridge Abutments on Sections 111, 115, 121 and 122.....	2,000....	"
Bridge Abutments on Sections 132 and 133.	900....	" 1856.
Culverts on Sections 59 and 60.....	1,200....	"
Culverts on Section 75.	600....	1st April, 1856.
Culvert at Van Vranken's on Section 18..	300....	1st July, 1855.
Culverts on Sections 112 and 121.....	1,100....	1st April, 1856.
Culverts on Sections 131, 132 and 133....	1,200....	1st July, 1856.
Completion of Phillips' Aqueduct.....	1,300....	1st April, 1855.

BLACK RIVER CANAL.

Sealed proposals will be received at the Engineer's Office at Lyons Falls until Thursday, the 12th day of October next, at 10 o'clock A. M., for the following described work:—

Reservoir at Wood Hull Lake.....	\$3,700....	1st Oct., 1855.
Reserv'r at N'rth Br'nch Lake.....	5,500....	"
11 Lock Houses from Boonville to Lyons Falls.....	1,000....	"
Sluices around Locks No's. 34 to 69 inclus.	2,900....	1st Aug. 1855.

MIDDLE DIVISION.

Sealed proposals will be received at the Engineer's Office in the city of Syracuse until Saturday, the 14th day of October next at 10 o'clock in the forenoon for the following described work:—

Section No. 195.....	\$6,400....	1st April, 1857.
" 196.....	4,300....	"
" 197.....	7,200....	"
Centre Port Aqueduct.	3,400....	"
Port Byron do.	7,000....	"

OSWEGO CANAL.

Sealed proposals will be received at the En-

gineer's Office in the village of Fulton until Monday, the 16th day of October next, at 10 o'clock A. M., for the following described work:—

Section No. 3 below Salina.....	\$4,000....	Ap'l 15th, 1857.
Section No. 4 below Salina.....	7,400....	"
Part of Sections 14 and 15, Gascon Rapids....	12,700....	"
Part of Sections 16 and 17, above Phoenix....	6,400....	"
Part of Sections 17 and 18, above Phoenix....	7,700....	"
Part of Sections 22 and 23, Morseman level..	6,500....	"
Section 27 at Fulton...	6,000....	"

CAYUGA AND SENECA CANAL.

Sealed proposals will be received at the Engineer's Office in the village of Seneca Falls until Tuesday, the 17th day of October next, at 10 o'clock A. M., for the following described work:—

Section No. 9.....	\$7,200....	1st April, 1856.
" 10.....	8,500....	"
Dam and Guard Gate on Section 10.....	5,600....	"
Culverts on Sections 1 to 5 inclusive.....	2,200....	"
Road and Farm Bridge Abutments on Sections 1, 4 and 10.....	2,300....	"

ENLARGEMENT OF ERIE CANAL—WESTERN DIVISION.

Sealed proposals will be received at the Engineer's Office, in the village of Albion until Wednesday, the 18th day of October next, at 10 o'clock A. M. for the following described work, between Lockport and Rochester:—

Section 276, with penalty in bond of....	\$9,000.
" 277, " " " " " " " "	6,700.
" 278, " " " " " " " "	7,000.
" 279, " " " " " " " "	7,600.
" 280, " " " " " " " "	8,400.
" 281, " " " " " " " "	9,200.
" 282, " " " " " " " "	5,700.
" 283, " " " " " " " "	4,100.
" 316, " " " " " " " "	6,600.
" 317, " " " " " " " "	6,500.
" 318, " " " " " " " "	9,400.
" 319, " " " " " " " "	9,300.
" 320, " " " " " " " "	9,200.
" 322, " " " " " " " "	10,100.
" 323, " " " " " " " "	8,000.
" 324, " " " " " " " "	7,700.
" 325, " " " " " " " "	7,100.
" 326, " " " " " " " "	9,400.
" 327, " " " " " " " "	7,600.
" 328, " " " " " " " "	8,800.
" 329, " " " " " " " "	9,700.
" 330, " " " " " " " "	13,000.
" 331, " " " " " " " "	8,500.
" 332, " " " " " " " "	8,500.
" 333, " " " " " " " "	12,200.
" 334, " " " " " " " "	13,000.
" 335, " " " " " " " "	8,000.
" 336, " " " " " " " "	6,000.

Bridge Abutments on Sections 276 to 283, inclusive.....	3,600.
Bridge Abutments on Sections 316 to 329, inclusive.....	7,300.
Bridge Abutments on Sections 330 to 336, inclusive.....	5,400.
Culverts on Sections 276 to 283 inclusive..	6,200.
" 316 to 320 " " " "	5,500.
" 322 to 329 " " " "	8,000.
" 330 to 336 " " " "	4,000.
" 306 " " " "	1,000.
Waste Weir on Section 330 " " " "	500.
Iron superstructure of Genesee st. Bridge, Buff.....	1,500.

The superstructure of Genesee street Bridge and the Culvert on Section 306 to be completed by the 1st day of April, 1855, and the remainder of the above work by April 1st, 1856.

All propositions must be for a sum certain, as to the price to be paid or received, for each and

every kind of work; and no proposition not thus defined will be received or acted upon; and no proposition will be considered complete unless a price for every kind of work included in such proposition is distinctly and plainly inserted.

Every proposal shall be accompanied by an affidavit, endorsed thereon, of each person uniting in such proposal, that he is not directly or indirectly interested in any other proposal for the same work or materials, or any part of the same; that he has no agreement or understanding with any other person to become interested in any other proposal or contract for the same work or materials, or any part thereof; and that no other person than such as shall be named in the proposal is interested in the same, or has any agreement or understanding to become interested in any contract that may be made in pursuance of such proposal.

Every proposal for work or materials embraced in the above statements shall be accompanied with a bond to the people of this State, in the penalty specified opposite each kind of work in said statement, and which bond shall be signed by the party making such proposal and two or more responsible sureties, with such evidence of their responsibility as the contracting board shall require, and which sureties shall justify in sums equal in the aggregate to twice the amount of such penalty.

Each proposal must be accompanied by the certificate of the Supervisor of the town, and the County Clerk, or the County Judge of the county in which said surety shall reside, or any two of them, as to the responsibility of said sureties.

The persons to whom the work may be awarded will be required by the contracting board to give the bond for the payment of laborer's wages, as required by chapter 278, of the laws of 1850.

No acceptance of a proposal or award of a contract by the contracting board, and no contract made by the said board, or any interest in the same, shall be assignable to any person or persons, without the written consent of the Canal Commissioners.

Fifteen per cent of the amount of any work done or materials furnished, at the contract price thereof, shall be reserved by the canal commissioner, until the whole work, which is the subject of the contract, shall be fully and entirely completed.

In case the contracting board shall be of opinion that the proposals made at any meeting thereof, pursuant to any advertisement, are, in consequence of any combination or otherwise, excessive and disadvantageous to the State, they may decline all the said proposals, and advertise anew for the work and materials embraced therein.

Contractors will be required to receive and use in the work all such materials as have been previously procured and delivered for any of the above work, and allow such prices therefor as may be exhibited at the several offices prior to the letting.

The prices in the contract will be considered as including the expense of furnishing all the materials, and performing all the work, according to the plans, specifications and notices exhibited at the letting.

The persons to whom the work may be awarded, will be required to enter into contract for the performance of the work within ten days after the same shall have been awarded to him, upon the terms prescribed by the contracting board.

The name or names of the persons proposing, must be written out in full, with their places of residence.

The maps, plans, specifications, quantities of materials, propositions, blank contracts and bonds will be ready for examination at the several places specified in this notice, ten days previous to the times specified for the several lettings.

Dated at ALBANY, Sept. 13th, 1854.

HENRY FITZHUGH,
FREDERICK FOLLETT,
CORNELIUS GARDINIER,) Canal Comm'rs

JAMES M. COOK, Comptroller.

JOHN T. CLARK, State Eng. and Surveyor.

STATE OF NEW YORK, SECRETARY'S OFFICE, ALBANY, AUGUST 10, 1854. To the Sheriff of the County of New York.—Sir: Notice is hereby given, that at the General Election to be held in this State on Tuesday succeeding the first Monday of November next, the following officers are to be elected, to wit:

A Governor, in the place of Horatio Seymour;
A Lieutenant Governor, in the place of Sanford E. Church;

A Canal Commissioner, in the place of Henry Fitzhugh; and

An Inspector of State Prisons, in the place of Henry Storms;

All whose terms of office will expire on the last day of December next.

A Representative in the Thirty-Fourth Congress of the United States, for the Third Congressional District, composed of the First, Second, Third, Fifth and Eighth Wards in the City of New York; for the Fourth District, composed of the Fourth, Sixth, Tenth and Fourteenth Wards of the City of New York; for the Fifth District, composed of the Seventh and Thirteenth Wards in New York, and the City of Williamsburg, in Kings County; for the Sixth District, composed of the Eleventh, Fifteenth and Seventeenth Wards in New York; for the Seventh District, composed of the Ninth, Sixteenth and Twentieth Wards in New York; and for the Eighth District, composed of the Twelfth, Eighteenth and Nineteenth Wards in New York. County officers also to be elected for said County:—

Sixteen Members of Assembly;
A Surrogate, in the place of Alexander W. Bradford;

A Recorder in the place of Francis R. Tillon;
A City Judge, in the place of Welcome R. Beebe;

A Mayor, in the place of Jacob A. Westervelt;
A Register, in the place of Garret Dyckman;

A Commissioner of the Streets and Lamps, in the place of George G. Glasier, who was appointed to fill a vacancy caused by the resignation of Henry Arcularius;

A Police Justice, for the Second District, in the place of Daniel W. Clarke, who was appointed to fill a vacancy caused by the death of John M'Grath;

Two Governors of the Alms House, in the place of Gustavus A. Conover and William Pinkney, appointed to fill vacancies;

A District Attorney, in the place of Lorenzo B. Shepard, who was appointed to fill a vacancy occasioned by the death of Nathaniel B. Blunt;

A Civil Justice and a Police Justice, for the Seventh Judicial District, composed of the Twelfth, Nineteenth and Twentieth Wards;

A Police Justice for the Eighth Judicial District, composed of the Sixteenth and Twentieth Wards.

Yours, respectfully,
E. W. LEAVENWORTH,

Secretary of State.

SHERIFF'S OFFICE,
New York, August 14, 1854.

The above is published pursuant to the notice of the Secretary of State, and the requirements of the statute in such case made and provided.

JOHN ORSER,
Sheriff of the City and County of New York.

All the public newspapers in the County will publish the above once in each week until the election, and then hand in their bills for advertising the same, so that they may be laid before the Board of Supervisors, and passed for payment. See Revised Statutes, volume 1, chapter 6, title 3, article 3d, part 1st, page 140.

JOHN ORSER, Sheriff.

Sept. 1, 1854.

Railroad Iron.

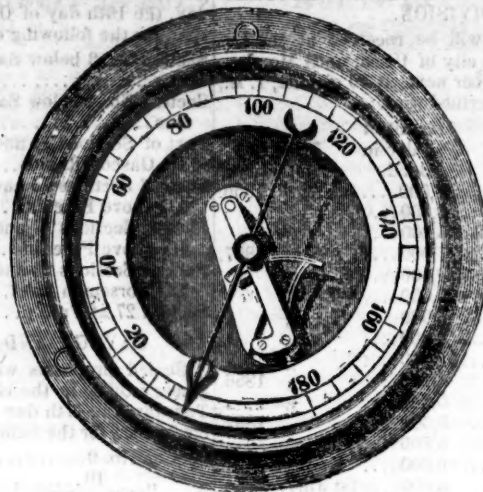
2,000 TONS Railroad Iron, 64 to 60 lbs. per lineal yard. For sale by

THEODORE DEHON,
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New York.

Contracts made as above for Rails deliverable at English or American ports at lowest rates.

Address to No. 23 Summer st., Philadelphia.

ASHCROFT STEAM GAUGE.

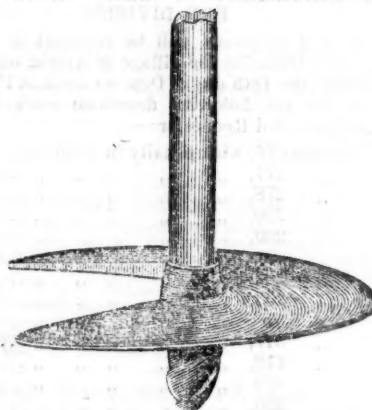


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STEAM GAUGE
COMPANY.
SOLE PROPRIETORS
AND
MANUFACTURERS
FOR THE
UNITED STATES.

THE COMPANY
ARE PREPARED TO
EXECUTE
ORDERS FOR THEIR
GAUGE
AT THEIR MANUFACTORY
No. 4 Charlestown Street,
BOSTON, MASS.

THIS Company purchased of Mr. E. H. Ashcroft the Patent for the above Gauge in February last, and they presume there is no necessity of stating the benefit of this celebrated Gauge, which has obtained so much repute throughout the Country during the last three years, as a matter of economy and safety for Railroads, Stationary Boilers and Steamers its equal has never been discovered. The Company also purchased of Mr. Ashcroft the Patent for the Fountain Moreau or India Rubber Gauge of which the Eastman, Lowe and German Gauge are considered by them to be infringements. They will furnish the India Rubber Gauge if desired, although they think it cannot be depended upon.

Screw Pile Foundations.



ALEXANDER MITCHELL'S
Patent Iron Screw Pile,

FOR obtaining permanent foundations on Rivers, Morasses, and Quicksands, for Railway Bridges, Viaducts, Depots, Wharves, &c.

I. W. P. LEWIS, C. E.,
Agent in the United States,
No. 30 South 5th street, PHILADELPHIA.

NUGENT'S COLLEGE

OF
ENGINEERS AND MECHANICS,

Public Square, Cleveland, Ohio.

E. NUGENT, C. E., Principal.

THE design of this Institution is to afford young men an opportunity of acquiring a knowledge of the profession of Civil Engineering, and to Mechanics and Tradesmen a sound theoretical and practical knowledge of Mathematics, Architectural and Mechanical Drafting, Plain and Ornamental Penmanship, &c.

For further particulars address the Principal.

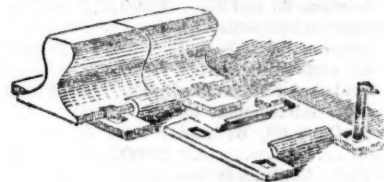
SEPTIMUS NORRIS,

CIVIL MECHANICAL & CONSULTING ENGINEER
OFFERS his services to Railroad Companies and Engineers, to provide them with Plans and Proportions of Locomotives for burning coal or wood; calling the attention of Engineers and Railroad Managers to his New Patent Boiler for burning Anthracite Coal; also Plans for Depot Buildings, Railroad Tools, and all kinds of Machinery appertaining to Railroads; he will also superintend personally the construction and building of any Locomotives they may order, in this or any other city, so as to insure the Companies receiving good machines and faithful workmanship.

Having been engaged for many years professionally as Engineer upon many of our most important Roads, in their Location, Building and Equipment, and for the last 20 years practically engaged in the Manufacture of Locomotives, feels satisfied, he can save the Companies who may think proper to engage his services, many dollars, and loss by receiving imperfect machines, which have been built and put together hastily.

Address to No. 23 Summer st., Philadelphia.

RAILROAD SPIKES.



WROUGHT IRON
Chairs and Fastenings.

THE undersigned will continue to manufacture with increased facilities, HOOK & FLAT HEAD RAILROAD SPIKES, of all patterns, WROUGHT and CAST CHAIRS and FASTENINGS, BOILER RIVETS, BOLTS, SHIP and BOAT SPIKES, &c., &c.

The best quality of Refined Iron is used, and all orders filled with despatch.

J. HOPKINSON SMITH,
No. 25 South Charles str.

Please direct the name in full,
Baltimore, July 1st, 1854.

33 tf.

American Railway Guide.

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THE "AMERICAN RAILWAY GUIDE" is the only work of the kind which contains information for all sections of the United States and Canada; and in every respect is a complete and accurate hand-book for the traveller. Besides the routes, distances, fares, and the times of starting and arrival of trains, the work furnishes in a condensed form, or in notes, a great amount of information respecting Steamboats, Canals and Stage Routes, connecting with the several Railroads. Issued on the first of every month, and is always thoroughly corrected from official information to date of publication. Subscription \$1 per annum; single copies 12½ cents; agents supplied at \$8 per 100 copies.

Published by DINSMORE & CO., No. 9 Spruce-st., N. Y.

New York and Erie R. R.

On and after Wednesday, Sept. 20th, and until further notice
PASSENGER TRAINS
will leave Pier foot of Duane street,
as follows, viz:—

BUFFALO EXPRESS, at 6 a.m. for Buffalo.
DUNKIRK EXPRESS, at 6 a.m. for Dunkirk.

MAIL, at 8½ a.m. for Dunkirk and Buffalo, and intermediate stations.

ROCKLAND PASSENGER, at 3½ p.m. (from foot of Chambers Street) via Piermont, for Suffern and intermediate stations.

WAY PASSENGER, at 4 p.m., for Otisville, and intermediate stations.

NIGHT EXPRESS, at 5½ p.m. for Dunkirk and Buffalo.
EMIGRANT, at 6 p.m., for Dunkirk and Buffalo and intermediate stations.

On Sundays only one Express Train—at 5½ p.m.
These Express Trains connect at Buffalo with first-class splendid Steamers on Lake Erie for all ports on the Lake; and at Dunkirk with the Lake Shore Railroad for Cleveland, Cincinnati, Toledo, Detroit, Chicago, etc.

D. C. McCALLUM, General Supt.